



CITY COUNCIL

AGENDA

August 20, 2001 – 7:30 P.M.
Council Chambers – City Hall
500 West Big Beaver, Troy, Michigan 48084
(248) 524-3300

CALL TO ORDER 1

Invocation & Pledge Of Allegiance – Pastor Stephen Husava–Northfield Hills Baptist 1

ROLL CALL 1

A-1 Minutes: Special Meeting of August 6, 2001 and Regular Meeting of August 6, 2001 1

A-2 Presentation: (a) Service Commendation – Ron Barnard; (b) Presentation from WideOpenWest – ICCA Cable Television Franchise 1

VISITOR COMMENTS 2

CONSENT AGENDA 2

E-1 Approval of Consent Agenda 2

E-2 Request for Approval to Pay Residential Relocation Claim – Harold R. Thomas – Civic Center Area Improvement Project – Project No. 97.110.0 – Sidwell #88-20-21-476-006 3

E-3 Hind Sarhan v City of Troy et. al 3

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Rebuilding the Gazebo at the Museum 3

E-5 Standard Resolution 1: Award to Low Bidder – Dennis Powers Drain, Section 3, Contract 01-10 4

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

E-6	Private Agreement for Rhode Island Road Extension – Project No. 00-960-3	4
E-7	Standard Purchasing Resolution 1: Award to Low Bidder – Tee Shirt Contract	4
E-8	Request for Acceptance of Warranty Deed – Westwood Park Subdivision Detention Basin Parcel – Sidwell #88-20-21-278-020	5
E-9	2001 Membership Dues to the United States Conference of Mayors	5
REGULAR BUSINESS		5

F-1	Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Committee; (h) Traffic Committee; and (i) Troy Daze Committee	5
F-2	Closed Session	7
F-3	Preliminary Plat-Final Approval – Meadow Creek Subdivision – West of Evanswood, North of Square Lake – Section 1	7
F-4	Preliminary Plan Approval – Pearl Estates Site Condominium – 3 Units – North of Long Lake Road, West of Dequindre Road – Section 12	7
F-5	CATV Advisory Committee Action	8
F-6	Renaming City Hall Plaza	8
F-7	Preliminary Plan Approval – Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3	9
F-8	Bid Waiver – Engineering Software Maintenance (Bentley Systems, Inc.)	9
F-9	City of Troy v Wallace Russell et. al	10
F-10	Preliminary Engineering Services for: (a) Maple Road, Coolidge to Eton – Project No. 92.202.5; (b) Westbound Maple Road Right Turn Lane Extension at Coolidge – Project No. 00.105.5	10

COUNCIL COMMENTS/REFERRALS **12**

VISITORS **12**

REPORTS AND COMMUNICATIONS **12**

G-1	Proposed City of Troy Proclamations:	12
	(a) Service Commendation – Ron Barnard	12
G-2	Minutes – Boards and Committees:	12
	(a) Liquor Advisory Committee Minutes/Final – June 11, 2001	12
	(b) Troy Daze/Final – June 26, 2001	12
	(c) Building Code Board of Appeals/Final – July 11, 2001	12
	(d) Employees' Retirement System Board of Trustees/Final – July 11, 2001	12
	(e) Employees' Retirement System Board of Trustees/Final – July 18, 2001	12
	(f) Traffic Committee/Draft – July 18, 2001	12
	(g) Planning Commission/Draft – July 24, 2001	12
	(h) Troy Daze/Draft – July 24, 2001	12
	(i) Municipal Building Authority/Draft – July 31, 2001	12
	(j) Building Code Board of Appeals/Draft – August 1, 2001	12
	(k) Employees' Retirement System Board of Trustees/Draft – August 8, 2001	12
	(l) Liquor Advisory Committee/Draft – August 13, 2001	12
G-3	Department Reports:	13
	(a) Permits Issued During the Month of July 2001	13
G-4	Announcement of Public Hearings:	13
	(a) Request for Commercial Vehicle Appeal – 3911 Kingspoint – Scheduled for Monday, September 17, 2001	13
	(b) Request for Commercial Vehicle Appeal – 2493 E. Maple – Scheduled for Monday, September 10, 2001	13
	(c) Request for Commercial Vehicle Appeal – 6704 Livernois – Scheduled for Monday, September 17, 2001	13
G-5	Proposed Proclamations/Resolutions from Other Organizations:	13
G-6	Letters of Appreciation:	13
	(a) E-Mail Relating a Telephone Call Received from Flora Barthelmes Regarding the Efficient and Careful Manner that the Water Department Staff Displayed When They Performed Work on Bridge Park Due to a Water Main Break.....	13
	(b) E-Mail From Kevin Kiepert to Cindy Stewart in Appreciation of the Prompt Response of the DPW in Regard to the Sidewalk Repair That He Reported on Crooks Road.....	13

(c)	E-mail From Rochelle Black to Ron Hynd Thanking Him for Sharing His Expertise With Residents at a Meeting Regarding The Big Beaver Road Widening Project	13
G-7	Informational Meeting with Residents for the Reconstruction and Widening of Big Beaver Road, Adams to Coolidge, Contract 01-8	13
G-8	Proposed Revisions to Liquor Licensing	13
G-9	Public Hearing Monday, August 6, 2001; Public Meeting Wednesday, August 8, 2001 – Crooks Road Widening and Reconstruction from Square Lake Road (Troy) to Hamlin Road (Rochester Hills)	13
G-10	Status of Public Hearing Issue for Proposed Wetlands, and Natural Features Ordinance	13

CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Stephen Husava–Northfield Hills Baptist

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Special Meeting of August 6, 2001 and Regular Meeting of August 6, 2001

Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Minutes of the 6:00 PM Special Meeting of August 6, 2001 and the Minutes of the 7:30 PM Regular Meeting of August 6, 2001 be approved.

Yes:

No:

A-2 Presentation: (a) Service Commendation – Ron Barnard; (b) Presentation from WideOpenWest – ICCA Cable Television Franchise

VISITOR COMMENTS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 15, as amended May 7, 2001.)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 7, 2001.)

E-1 Approval of Consent Agenda

Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

E-2 Request for Approval to Pay Residential Relocation Claim – Harold R. Thomas – Civic Center Area Improvement Project – Project No. 97.110.0 – Sidwell #88-20-21-476-006

Suggested Resolution

Resolution #2001-08-

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby authorizes payment for relocation benefits in the amount of \$23,550.00 to Harold R. Thomas, the former owner displaced from the property at 11 Town Center.

E-3 Hind Sarhan v City of Troy et. al

Suggested Resolution

Resolution #2001-08-

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Hind Sarhan v The City of Troy, Officer John Doe, Target Corporation d/b/a Hudson's Department Store and Jane Doe and Jan Doe, security personnel for Target Corporation, U.S. District Court Case Number 01-72931, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Rebuilding the Gazebo at the Museum

Suggested Resolution

Resolution #2001-08-

RESOLVED, That a contract to rebuild the Museum Gazebo be awarded to the low bidder, Edrick M. Owen, Inc., at an estimated total cost of \$28,800.00; and

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed proposal and bid documents, including bonds, insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-5 Standard Resolution 1: Award to Low Bidder – Dennis Powers Drain, Section 3, Contract 01-10Suggested Resolution

Resolution #2001-08-

RESOLVED, That Contract No. 01-10 – Dennis Powers Drain is hereby awarded to the low bidder, Giannetti Contracting Corp., 6340 Sims Road, Sterling Heights, Michigan 48313, at unit prices contained in the bid tabulation opened August 7, 2001, a copy of which shall be attached to the original Minutes of this meeting, at an estimated total cost of \$2,247,453.50.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the original project cost.

E-6 Private Agreement for Rhode Island Road Extension – Project No. 00-960-3Suggested Resolution

Resolution #2001-08-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and A&M Custom Built Homes, Inc., is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Tee Shirt ContractSuggested Resolution

Resolution #2001-08-

RESOLVED, That a contract to provide one-year requirements of tee shirts (various types) with an option to renew for one additional year is hereby awarded to the low bidder, Metro Printing Service, at unit prices contained in the bid tabulation opened August 1, 2001, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$18,778.15.

**E-8 Request for Acceptance of Warranty Deed – Westwood Park Subdivision
Detention Basin Parcel – Sidwell #88-20-21-278-020**Suggested Resolution

Resolution #2001-08-

RESOLVED, That the Warranty Deed from Gulf Livernois, Inc., having Sidwell #88-20-210-278-020, is hereby accepted for public detention and other public purposes; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to record said Warranty Deed with the Oakland County Register of Deeds Office and a copy of said deed shall be attached to the original Minutes of this meeting.

E-9 2001 Membership Dues to the United States Conference of MayorsSuggested Resolution

Resolution #2001-08-

RESOLVED, That payment of annual dues in the amount of \$2,294.00 be made to the United States Conference of Mayors for the City of Troy's full membership thereof.

REGULAR BUSINESS

Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 6, as amended May 7, 2001. Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Committee; (h) Traffic Committee; and (i) Troy Daze CommitteeSuggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

(a) Advisory Committee for Persons With Disabilities Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Student Rep Term Expires 07-01-2002

(b) CATV Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Vacant Term Expires 04-28-2004

(c) Civil Service Commission (Act 78) Council Appointment

_____ Vacant Term Expires 04-30-2002

(d) Economic Development Corporation Mayor, Council Approval

_____ Vacant Term Expires 04-30-2005

(e) Historical Commission Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Vacant Term Expires 07-31-2004

(f) Liquor Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(g) Parks and Recreation Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(h) Traffic Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(i) Troy Daze Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

Yes:

No:

F-2 Closed SessionSuggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Sections (a) Personnel Evaluation of Lori Grigg Bluhm and (d), after adjournment of this meeting.

Yes:

No:

F-3 Preliminary Plat-Final Approval – Meadow Creek Subdivision – West of Evanswood, North of Square Lake – Section 1Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That Tentative Preliminary Plat Approval, granted June 5, 2000, be extended to allow Final Preliminary Plat Approval; and

BE IT FURTHER RESOLVED, That final approval of the Preliminary Plat for Meadow Creek Subdivision, located west of Evanswood and north of Square Lake in Section 1, be granted as recommended by City Management; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby authorized to execute the Subdivision Agreement, a copy of which shall be attached to the original Minutes of this meeting.

Yes:

No:

F-4 Preliminary Plan Approval – Pearl Estates Site Condominium – 3 Units – North of Long Lake Road, West of Dequindre Road – Section 12Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Preliminary Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential development) for the development of a One-Family Residential Site Condominium known as Pearl Estates, in the area north of Long Lake

Road and west of Dequindre Road, be approved, as recommended by City Management and the Planning Commission.

Yes:

No:

F-5 CATV Advisory Committee ActionSuggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That all City Council meeting tapes be made available for the life of the tape not to exceed one-year (as space permits) at the Troy Public Library for access to citizens.

Yes:

No:

F-6 Renaming City Hall PlazaSuggested Resolution

Resolution #2001-08-

Moved by

Seconded by

WHEREAS, That on October 6, 2001, the City of Troy will dedicate the Veterans Memorial Monument at City Hall Plaza in front of Troy City Hall; and

WHEREAS, That the Troy Veterans Committee have requested that as part of the Dedication Ceremony, Troy City Hall Plaza be renamed veterans Memorial Plaza at Troy City Hall;

BE IT RESOLVED, That Troy City Council approves renaming the Plaza in front of Troy City Hall as Veterans Memorial Plaza in honor of all the men and women who have served our Country.

Yes:

No:

F-7 Preliminary Plan Approval – Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Preliminary Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential development) for the development of a One-Family Residential Site Condominium known as Peacock Farms and recommended for approval by the Planning Commission and City Management, in the area west of Rochester Road and north of Square Lake Road, be approved.

Yes:

No:

F-8 Bid Waiver – Engineering Software Maintenance (Bentley Systems, Inc.)Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

WHEREAS, On August 4, 1997, a two-year contract to provide software maintenance service for engineering applications was awarded to CF Engineering (Resolution #97-677-C-6).

WHEREAS, C4 Engineering was utilizing Bentley Systems, Inc. as the service provider for their contract; and

WHEREAS, Bentley Systems, Inc. is the manufacturer and sole provider of software maintenance service for engineering applications in use by the City of Troy;

WHEREAS, On October 16, 2000 the bid for a software maintenance contract was hereby waived and a contract with Bentley Systems was approved for one-year at \$11,875.00 (Resolution #2000-457).

NOW, THEREFORE, BE IT RESOLVED, That bids for the software maintenance contract are hereby waived and a contract with Bentley Systems, Inc., the manufacturer, is hereby approved for an estimated annual cost of \$19,783.40 to expire July 13, 2003.

Yes:

No:

F-9 City of Troy v Wallace Russell et. alSuggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Consent Judgment between the City of Troy and Wallace Russell, Joyce Russell, Russell's Mobil Station and Bottles & Bytes Party Store is hereby approved, and the City Attorney is authorized to execute the Consent Judgment, and a copy is to be attached to the original Minutes of this meeting.

Yes:

No:

F-10 Preliminary Engineering Services for: (a) Maple Road, Coolidge to Eton – Project No. 92.202.5; (b) Westbound Maple Road Right Turn Lane Extension at Coolidge – Project No. 00.105.5**(a) Maple Road, Coolidge to Eton – Project No. 92.202.5****1. Approval of Selection of Hubbell, Roth & Clark, Inc.**Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Selection of Hubbell, Roth & Clark, Inc. in accordance with the Michigan Department of Transportation Consultant Selection process for Preliminary Engineering for Maple Road, Coolidge to Eaton, Project No. 92.202.5, is hereby approved.

Yes:

No:

2. Approval of Contract Between City of Troy and Hubbell, Roth & Clark, Inc.Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Preliminary Engineering Agreement between Hubbell, Roth and Clark, Inc. and the City of Troy for consultant services for Preliminary Engineering for Maple Road, Coolidge to Eaton, Project No. 92.202.5, is hereby approved at an estimated cost to the City of Troy not to exceed \$131,456.93, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

Yes:

No:

(b) Westbound Maple Road Right Turn Lane Extension at Coolidge – Project No. 00.105.5**1. Approval of Selection of Hubbell, Roth & Clark, Inc.**Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Selection of Hubbell, Roth & Clark, Inc. in accordance with the Michigan Department of Transportation Consultant Selection process for Preliminary Engineering for Maple Road Right Turn Lane Extension at Coolidge, Project No. 00.105.5, is hereby approved.

Yes:

No:

2. Approval of Contract between City of Troy and Hubbell, Roth & Clark, Inc.Suggested Resolution

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the Preliminary Engineering Agreement between Hubbell, Roth and Clark, Inc. and the City of Troy for consultant services for Preliminary Engineering for Maple Road Right Turn Lane Extension at Coolidge, Project No. 00.105.5, is hereby approved at an estimated cost to the City of Troy not to exceed \$10,693.43, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

Yes:

No:

COUNCIL COMMENTS/REFERRALS

VISITORS

Any person not a member of the Council who have not addressed Council during the 1st Visitors Comments may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 5 (16) and Article 15, as amended May 7, 2001.)

REPORTS AND COMMUNICATIONS

G-1 Proposed City of Troy Proclamations:

Resolution #2001-08-

Moved by

Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

(a) Service Commendation – Ron Barnard

Yes:

No:

G-2 Minutes – Boards and Committees:

- (a) Liquor Advisory Committee Minutes/Final – June 11, 2001
- (b) Troy Daze/Final – June 26, 2001
- (c) Building Code Board of Appeals/Final – July 11, 2001
- (d) Employees' Retirement System Board of Trustees/Final – July 11, 2001
- (e) Employees' Retirement System Board of Trustees/Final – July 18, 2001
- (f) Traffic Committee/Draft – July 18, 2001
- (g) Planning Commission/Draft – July 24, 2001
- (h) Troy Daze/Draft – July 24, 2001
- (i) Municipal Building Authority/Draft – July 31, 2001
- (j) Building Code Board of Appeals/Draft – August 1, 2001
- (k) Employees' Retirement System Board of Trustees/Draft – August 8, 2001
- (l) Liquor Advisory Committee/Draft – August 13, 2001

G-3 Department Reports:

- (a) Permits Issued During the Month of July 2001
-

G-4 Announcement of Public Hearings:

- (a) Request for Commercial Vehicle Appeal – 3911 Kingspoint – Scheduled for Monday, September 17, 2001
- (b) Request for Commercial Vehicle Appeal – 2493 E. Maple – Scheduled for Monday, September 10, 2001
- (c) Request for Commercial Vehicle Appeal – 6704 Livernois – Scheduled for Monday, September 17, 2001
-

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- (a) E-Mail Relating a Telephone Call Received from Flora Barthelmes Regarding the Efficient and Careful Manner that the Water Department Staff Displayed When They Performed Work on Bridge Park Due to a Water Main Break
- (b) E-Mail From Kevin Kiepert to Cindy Stewart in Appreciation of the Prompt Response of the DPW in Regard to the Sidewalk Repair That He Reported on Crooks Road
- (c) E-mail From Rochelle Black to Ron Hynd Thanking Him for Sharing His Expertise With Residents at a Meeting Regarding The Big Beaver Road Widening Project
-

G-7 Informational Meeting with Residents for the Reconstruction and Widening of Big Beaver Road, Adams to Coolidge, Contract 01-8

G-8 Proposed Revisions to Liquor Licensing

G-9 Public Hearing Monday, August 6, 2001; Public Meeting Wednesday, August 8, 2001 – Crooks Road Widening and Reconstruction from Square Lake Road (Troy) to Hamlin Road (Rochester Hills)

G-10 Status of Public Hearing Issue for Proposed Wetlands, and Natural Features Ordinance

Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, August 6, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:30 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Tom Barbret – Lutheran Church of the Master, and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Regular Meeting of July 23, 2001

Resolution #2001-08-391
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of July 23, 2001 be approved.

Yes: All-7

A-2 Presentations: (a) Greetings to the Citizens of the Republic of Tatarstan; (b) Certificate of Recognition to Chuck Barnes – Recipient of the Conservation Educator of the Year Award

Mayor Pryor presented a Certificate of Recognition to Chuck Barnes as Recipient of the Conservation Educator of the Year Award and for his twenty-eight years of service.

Councilman Lambert presented a Proclamation of Greetings to the citizens of the Republic of Tatarstan for members of the Faith Lutheran Church in Troy to present when they visit the republic during their missionary visit.

A-1

CARRYOVER ITEMS – Originally carried over from Regular City Council Meeting of July 9, 2001

Resolution to Note and File Agenda G Items from the Regular City Council Meetings of July 9 and July 23, 2001

Resolution #2001-08-392

Moved by Pallotta

Seconded by Schilling

RESOLVED, That all G Items from the Regular City Council Meetings of July 9 and July 23, 2001 be Noted and Filed except for Item G-8 – Agenda Visitor Information System, so that staff may make a brief presentation.

Yes: All-7

REPORTS AND COMMUNICATIONS

G-1 City of Troy Proclamations: Council action taken at the July 23, 2001 Regular City Council Meeting

G-2 Minutes – Boards and Committees:

- (a) Advisory Committee for Senior Citizens/Final – May 3, 2001
- (b) Employees' Retirement System Board of Trustees/Final – May 9, 2001
- (c) Library Advisory Board/Final – May 10, 2001
- (d) Board of Zoning Appeals/Final – May 15, 2001
- (e) Planning Commission Special Study Meeting/Final – May 22, 2001
- (f) Troy Daze/Final – May 22, 2001
- (g) Advisory Committee for Person with Disabilities/Draft – June 6, 2001
- (h) Planning Commission/Final – June 12, 2001
- (i) Employees' Retirement System Board of Trustees /Draft – June 13, 2001
- (j) Board of Zoning Appeals/Draft – June 19, 2001
- (k) Library Advisory Board/Draft – June 21, 2001
- (l) Historical Commission/Draft – June 26, 2001

Noted and Filed

G-3 Department Reports:

G-4 Announcement of Public Hearings:

- (a) Proposed Rezoning – North Side of Long Lake, West of Livernois – Section 9 – R-1B (One Family Residential) to R-1T (One Family Attached Residential – Scheduled for Regular City Council Meeting on July 23, 2001
- (b) Proposed Rezoning – North Side of Big Beaver, West of John R – Section 23 – R-1E (One Family Residential) and P-1 (Vehicular Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection District) – Scheduled for Regular City Council Meeting on July 23, 2001

Noted and Filed

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- (a) Memorandum from Police Chief Craft to City Manager Szerlag, Re: Certificate of Appreciation from Oakland County Probation
- (b) Letter from Gary Peer, Ph.D., Central Michigan University, Re: Robert Wolfe's Master of Science Degree
- (c) Letter from Renee Gucciardo to Captain Slater, Re: Officer Joseph Mairorano's Outstanding Service
- (d) Letter from Tom Sawyer, Jr., to Mr. Need, Re: Thank You
- (e) Certificate of Accomplishment from the Institute of Transportation Engineers Awarded to John K. Abraham
- (f) Letter from Dorothy Meerschaert to Department of Public Works, Re: The Efficient Manner in Which DPW Staff has Maintained Their Street While it Has Been Under Construction

Noted and Filed

G-7 Letters of Resignation from Boards and Committees:

- (a) Gary A. Sirotti – Act 78 Commission
- (b) Nelson Ritner – Economic Development Corporation

Noted and Filed

G-8 Agenda Visitor Information System

City Management provided a 5-minute presentation regarding this item.

G-9 Resolution of Drainage Problem South of Peacock Farm on Rochester Road, Section 10

Noted and Filed

G-10 Citizen Comments on Red Light Enforcement Cameras

Noted and Filed

G-11 Recommendation of Civic Center Site

Noted and Filed

G-12 Troy Executive Aviation

Noted and Filed

**G-13 Resolution of Drainage Ditch Problem on Harris Street, West of Rochester Road,
in Connection with Section 22 & 23 Water Main Project**

Noted and Filed

G-14 Federal Storm Water Regulations

Noted and Filed

G-15 Project Status Report

Noted and Filed

G-16 Troy Fire Department – 1999 Annual Report and 2000 Annual Report

Report distributed at the July 9, 2001 Meeting.

Noted and Filed

G-17 Levels of Approval for Platted and Unplatted Residential Developments

Noted and Filed

G-18 Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance

Noted and Filed

G-19 Update on Dangerous Building – 612 Trombley, Parcel #88-20-22-401-006

Noted and Filed

G-20 Darrah v Oak Park, City of Troy, Officer Russ Bragg

Noted and Filed

CARRYOVER ITEMS – From Regular City Council Meeting of July 23, 2001

REPORTS AND COMMUNICATIONS

G-1 City of Troy Proclamations: Council action taken at the July 23, 2001 Regular City Council Meeting

G-2 Minutes – Boards and Committees:

- (a) Building Code Board of Appeals/Final – June 6, 2001
- (b) Advisory Committee for Senior Citizens/Draft – June 7, 2001
- (c) Employees' Retirement System Board of Trustees/Final – June 13, 2001
- (d) Parks and Recreation Advisory Board/Draft – June 14, 2001
- (e) Troy Daze/Draft – June 26, 2001
- (f) Downtown Development Authority/Draft – June 28, 2001
- (g) Employees' Retirement System Board of Trustees/Draft – July 11, 2001

Noted and Filed

G-3 Department Reports:

- (a) Permits Issued July 2000 Through June 2001
- (b) Permits Issued January Through June 2001
- (c) Permits Issued During the Month of June

Noted and Filed

G-4 Announcement of Public Hearings:

G-5 Proclamations/Resolutions from Other Organizations:

- (a) City of Clawson; Re: Consideration of the Resolution in Opposition to the Legalization of Marijuana and Other Class One Drugs

Noted and Filed

G-6 Letters of Appreciation:

- (a) E-mail From Cathleen Martin to William R. Need In Appreciation For His Response to Her Concerns
- (b) Letter From John Feikens – United States District Judge to William Need Complimenting Him on the City's Water Quality Information Brochure
- (c) Letter from Margaret Gaffney to William Need Thanking Him For Assisting Her in the Removal of Concrete Debris From Her Home and Complimenting the City and Ron Hynd For the Good Planting Job in the Peace Garden
- (d) Letter from Gabriela Ban-Director/American-Romanian Cultural Center to Troy City Council Thanking Them for Inviting Them to Participate in "Ion Pandeale Exhibit" and the "Romanians in Troy" event

Noted and Filed

G-7 Proposed Modifications to Troy City Code Chapter 93, Fire Prevention

Noted and Filed

G-8 The Disposition of City Property at 101 E. Square Lake Road/Krell Property

Noted and Filed

G-9 \$24,000,000.00 Downtown Development Authority Bond Issue

Noted and Filed

G-10 Memo from Troy Chamber of Commerce and City Management Recommending an Economic Analysis of Various Civic Center Site Plan Elements

Noted and Filed

PUBLIC HEARINGS

C-1 First Amendment to Grand/Sakwa Brownfield Plan

Resolution #2001-08-393

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the Public Hearing on the proposed First Amendment to the Grand/Sakwa Properties Inc. Brownfield Plan is postponed to the September 10, 2001 City Council Meeting.

Yes: All-7

VISITOR COMMENTS

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-08-394

Moved by Pallotta

Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented.

Yes: All-7

E-2 Standard Purchasing Resolution 4: Tri-County Purchasing Cooperative – Voice/Data Cabling Services

Resolution #2001-08-394-E-2

RESOLVED, That a two-year contract for Voice/Data Cabling Services from Hi-Tech Systems Service, Inc. is hereby approved through the Farmington Hills bid with an extension of the prices, terms, and conditions to the Tri-County Purchasing Cooperative of which the City of Troy is a member at unit prices contained in the bid tabulation entitled 00-01-911 – Data/Phone Cabling expiring March 19, 2003 with an option to renew for an additional two years.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed proposal and bid documents including bonds, insurance certificates, and all other specified requirements including a mutually agreeable negotiated additional charge for unforeseen circumstances such as asbestos encapsulation, etc.

E-3 Standard Purchasing Resolution 1: Award to Low Bidder – Towing Contract

Resolution #2001-08-394-E-3

RESOLVED, That a three-year contract to provide Towing and Storage Services with an option to renew for two additional one-year periods is hereby awarded to the low bidder, Coleman's Towing and Recovery, A RoadOne Company, at unit prices contained in the bid tabulation opened July 11, 2001, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$154,130.00 per year, to expire July 31, 2004.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

E-4 Road Closure to Veteran's Memorial Monument Dedication

Resolution #2001-08-394-E-4

RESOLVED, That Town Center Drive West from Civic Center Drive to the entrance of the parking lot at the rear of City Hall and Town Center Drive East from the parking lot entrance to Civic Center Drive be closed from 8:00 a.m. to 4:00 p.m. on Saturday, October 6, to accommodate the Dedication Ceremony of the Veteran's Memorial Monument on the City Hall Plaza.

E-5 Private Agreements – (a) Tire Wholesalers Project - No. 01.908.3; (b) National Television Book Company - Project No. 99.937.3; (c) Sandalwood South Condominiums - Project No. 00.930.3; and (d) Suburban Volvo - Project No. 00.954.3**(a) Tire Wholesalers – Project No. 01.908.3**

Resolution #2001-08-394-E-5(a)

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Tire Wholesalers Company, Inc., 1783 E. 14 Mile Road, Troy, MI 48083, is hereby approved for the installation of detention, storm sewer, water main, sidewalks, and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting

(b) National Television Book Company – 209 Park – Project No. 99.937.3

Resolution #2001-08-394-E-5(b)

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and National Television Book Company, is hereby approved for the installation of water main, storm sewer, and paving at 209 Park, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

(c) Sandalwood South Condominiums - Project No. 00.930.3

Resolution #2001-08-394-E-5(c)

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Sandalwood South of Troy, L.L.C. is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, and paving on the site and in the adjacent right-of-way and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

(d) Suburban Volvo – 1785 Maplelawn – Project No. 00.954.3

Resolution #2001-08-394-E-5(d)

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Suburban Maplelawn 3, L.L.C., is hereby approved for the installation of water main, storm sewer, and paving at 1785 Maplelawn, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Landscape Services for Stoneridge–Stonecrest Detention Pond

Resolution #2001-08-394-E-6

RESOLVED, That a contract to furnish all labor, material, and equipment to landscape Stoneridge-Stonecrest Detention Pond is hereby awarded to the low bidder, Muellers Sunrise Nursery, Inc., at unit prices contained in the bid tabulation opened July 19, 2001, a copy of which shall be attached to the original Minutes of this meeting, at an estimated total cost of \$18,000.00.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and if additional landscape materials are required that could not be foreseen, such additional material is authorized in an amount not to exceed 10% of the total project cost.

E-7 Arbor Day 2002 Proclamation

Resolution #2001-08-394-E-7

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Troy desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree-planting ways;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby proclaims May 3, 2002 as Arbor Day in the City of Troy, and urges all citizens to support our City's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

E-8 Troy Daze Fireworks Permit

Resolution #2001-08-394-E-8

RESOLVED, That City Council authorizes the issuance of a fire works permit to Melrose Pyrotechnics, Inc. for both the test shoot (future date to be approved by the Fire Chief) and display on September 16, 2001 for the Troy Daze Festival.

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Board; (h) Traffic Committee; and (i) Troy Daze Committee

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for August 20, 2001:

(a) Advisory Committee for Persons With Disabilities Council Appointment

_____ Student Rep Term Expires 07-01-2002

(b) CATV Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(c) Civil Service Commission (Act 78) Council Appointment

_____ Vacant Term Expires 04-30-2002

(d) Economic Development Corporation Mayor, Council Approval

_____ Vacant Term Expires 04-30-2005

(e) Historical Commission

Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Vacant Term Expires 07-31-2004

(f) Liquor Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

(g) Parks and Recreation Board

Council Appointment

_____ Student Rep Term Expires 07-01-2002

(h) Traffic Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

(i) Troy Daze Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

F-2 Closed Session – Removed from Agenda - No Session Required

F-3 Modifications to Troy City Code Chapter 93, Fire Prevention

Resolution #2001-08-395

Moved by Pallotta

Seconded by Schilling

RESOLVED, That an ordinance to modify Chapter 93, Fire Prevention of the Code of the City of Troy, is hereby adopted, in order to adopt the 2000 International Fire Code with Amendments and a copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes: All-7

F-4 Big Beaver, I-75 to Rochester – Cost Participation Agreement with RCOC – Contract No. 01-7

Resolution #2001-08-396

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Road Commission for Oakland County for the Big Beaver, I-75 to Rochester Road project, Project No. 93.207.6 and Project No. 99.207.5, is hereby approved and the Mayor and City Clerk are authorized to execute the Agreement, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

F-5 Traffic Committee Recommendations**RESOLUTION FOR DIVISION OF THE QUESTION**

Resolution #2001-08-397

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That Items F-5 (a) and (c) be divided from the Main Motion.

Yes: All-7

(a) Parking Restrictions on Stutz and Maxwell

Resolution #2001-08-398(a)

Moved by Pallotta

Seconded by Schilling

RESOLVED, That Traffic Control Orders No. 75-2P and 85-11-P and City Council Resolution No. 84-762 be rescinded, and that Traffic Control Order No. 01-2-P is hereby approved for parking restrictions on Stutz and Maxwell, as shown in the attachment.

Yes: All-7

(c) **Remove Trees from the Right-of-Way on the Northwest Corner of John R & Square Lake**

Resolution #2001-08-398(c)

Moved by Pallotta

Seconded by Schilling

RESOLVED, That trees be removed from the right-of-way on the northwest corner of the intersection of John R and Square Lake.

Yes: All-7

(b) **Prohibit Parking on the North Side of Arlund Way**

Resolution #2001-08-399

Moved by Pallotta

Seconded by Schilling

RESOLVED, That Traffic Control Order No. 01-X-P be approved to prohibit parking on the north side of Arlund Way, and permit parking on the south side (hydrant side) with sufficient space near the fire hydrants in accordance with legal distance requirements.

Yes: Howrylak

No: Beltramini, Kaszubski, Lambert, Pallotta, Schilling, Pryor

MOTION FAILED

(d) **Installation of YIELD Signs on Northbound and Southbound Holland at Thales and Westbound Wessells at Holland**

Resolution #2001-08-

Moved by Pallotta

Seconded by Schilling

RESOLVED, That Traffic Control Order No. 01- -SS(Y) be approved for installation of YIELD signs on northbound and southbound Holland at Thales, and on westbound Wessells at Holland (Item 7).

Resolution to Amend Main Motion

Resolution #2001-08-400

Moved by Pryor

Seconded by Howrylak

RESOLVED, To amend the motion by striking "YIELD" and inserting "STOP" in the Resolution.

Yes: Howrylak, Kaszubski, Pryor

No: Lambert, Pallotta, Schilling, Beltramini

MOTION FAILED

Vote on Main Resolution

Resolution #2001-08-401

Moved by Pallotta

Seconded by Schilling

RESOLVED, That Traffic Control Order No. 01-02 -SS(Y) be approved for installation of YIELD signs on northbound and southbound Holland at Thales, and on westbound Wessells at Holland (Item 7).

Yes: Lambert, Pallotta, Schilling, Beltramini

No: Kaszubski, Pryor, Howrylak

MOTION CARRIED

Prohibit Parking on the North and South Sides of Arlund Way

Resolution #2001-08-402

Moved by Schilling

Seconded by Pallotta

RESOLVED, That Traffic Control Order No. 01-3-P be approved to prohibit parking on the north and south side of Arlund Way.

Yes: Lambert, Pallotta, Schilling, Pryor, Beltramini

No: Howrylak

MOTION CARRIED

F-6 Bid Waiver – Exhibition Tents for Troy Daze Festival

Resolution #2001-08-403

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, A market analysis has been conducted to rent exhibition tents for the Troy Daze Festival; and

WHEREAS, It has been determined by all participants that the festival needs to improve traffic flow and relieve congestion in the walkway areas; and

WHEREAS, The Parks and Recreation Department and Troy Daze Committee members have changed the sizing requirements of the tents in an effort to reconfigure and improve the layout of the Troy Daze Festival;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to provide exhibition tents for the 2001 Troy Daze Festival is hereby awarded to Special Events Rental at an estimated total cost of \$12,240.00.

Yes: All-7

F-7 Approval of a Procurement Card Program and Accompanying Bank Resolution from Fifth Third Bank**(a) Resolution A**

Resolution #2001-08-404(a)

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That a Purchasing Card Program is hereby approved with the City of Troy's bank service provider, Old Kent Bank soon to be Fifth Third Bank in compliance with the provisions of Public Act 266 of 1995.

Yes: All-7

(b) Resolution B – Fifth Third Bank-Commercial Card-Company Resolution

Resolution #2001-08-404(b)

Moved by Pallotta

Seconded by Kaszubski

NOW THEREFORE, BE IT RESOLVED, That this Company shall apply to Fifth Third Bank for the issuance of a sufficient number of Commercial Cards as, in the judgment of the officer or officers hereinafter authorized, this company may require;

RESOLVED FURTHER THAT, The President or the Vice President, and the Secretary or the Assistant Secretary of this Company are authorized, directed and empowered, in the name of this Company, to apply to Fifth Third Bank for the issuance of such Commercial Cards, to execute such application forms, agreements and documents to pay and provide security for payment of all indebtedness incurred by use of such Commercial Cards, whether authorized or unauthorized, as Fifth Third Bank may require in accordance with the terms and conditions of The Fifth Third Commercial Card Company Agreement, and to obtain and forward to Fifth Third Bank; the Fifth Third Commercial Cardholder Agreement(s) from those officers or agents it designates from time to time to receive and use a card.

RESOLVED FURTHER THAT, Fifth Third Bank is authorized to act upon this resolution until written notice of its revocation is delivered to the Bank and that the authority hereby granted shall apply with equal force and effect to the successors in office of the officers herein named.

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

F-8 Election Worker Wages

Resolution #2001-08-405

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the rate of pay for Election Inspector's be increased to \$7.50 per hour, that the Chairman rate of pay be increased to \$7.50 per hour plus \$40.00 per day, that the Co-Chairman rate of pay be increased to \$7.50 per hour plus \$20.00 per day, and that the inspectors that return to City Hall on Election Night receive an additional \$6.00 per election.

Yes: All-7

F-9 Request for Approval of Purchase Agreement – The Marie A. Jones Revocable Trust – Proposed Section 1 Golf Course Development – Sidwell #88-20-01-126-003 & 004

Resolution #2001-08-406

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the Agreement to Purchase between the Marie A. Jones Revocable Trust and the City of Troy, having Sidwell #88-20-01-126-003 and 004, for the acquisition of property at 6957 Doenges, plus one vacant parcel for the proposed Section 1 Golf Course Development is hereby approved; and

BE IT FURTHER RESOLVED, That authorization is hereby granted to purchase the property in the Agreement referenced above in the amount of \$225,000.00 plus moving costs and closing costs.

Yes: All-7

F-10 Payment to Grand/Sakwa Properties, Inc. for Road Improvements at 1600 East Big Beaver (U.S. Postal Service) and at the San Marino Club in Conjunction with the Airport Development, Project No. 98.911.3

Resolution #2001-08-407

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the City of Troy pay \$37,318.80 to Grand/Sakwa Properties, Inc. for road improvements in front of 1600 East Big Beaver (U.S. Postal Service), and at the San Marino Club in conjunction with the Airport Development Project No. 98.911.3.

Yes: All-7

F-11 Municipal Building Authority – Section One Golf Course – Legal Documents**(a) Contract of Lease**

Resolution #2001-08-408(a)

Moved by Pallotta

Seconded by Kaszubski

THIS FULL FAITH AND CREDIT GENERAL OBLIGATION CONTRACT OF LEASE (the "Contract of Lease") made as of the first day of _____, 2001, by and between the MUNICIPAL BUILDING AUTHORITY OF TROY, a public corporation organized and existing under the authority of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (the "AUTHORITY"), and the CITY OF TROY, a Michigan municipal corporation organized and existing under the Constitution and laws of the State of Michigan (the "CITY");

WITNESSETH:

WHEREAS, The AUTHORITY has been incorporated by the CITY pursuant to the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (the "Act"), for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and/or maintaining a building or buildings, automobile parking lots or structures, stadiums, recreational facilities and the necessary site or sites therefore, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the CITY; and

WHEREAS, The CITY has determined and does hereby reaffirm that it desires to construct, on lands owned or under the control of the CITY, as described in Exhibit A attached hereto and by this reference made a part hereof (the "Property"), and to develop, acquire, construct, furnish and equip an eighteen (18) hole municipal golf course and related site improvements thereon, including, by way of example, but not limited to, parking facilities, a clubhouse, putting greens, a driving range and a practice facility, together with appurtenant properties and facilities necessary or convenient for the effective use thereof (the Property and the facilities and improvements thereon are described in Exhibit B attached hereto and by this reference made a part hereof, and are hereinafter sometimes referred to collectively as the "Project"), and the AUTHORITY is willing to acquire the Project and lease the same to the CITY; and

WHEREAS, It is proposed that the AUTHORITY finance the cost of the Project by the issuance of building authority bonds payable from cash rental payments to be made by the CITY to the AUTHORITY pursuant to this Contract of Lease and the Act; and

WHEREAS, An estimate of thirty (30) years and upwards as the period of usefulness of the Project and an estimate of Twelve Million Four Hundred Forty Five Thousand Five Hundred Dollars (\$12,445,500.00) as the cost of the Project, which will include the costs of acquisition of the Property, as well as related legal and financing costs and contingencies, have been prepared and filed with the City Clerk of the CITY and the Secretary of the AUTHORITY; and

WHEREAS, The CITY and the AUTHORITY have determined that the cost of the Project should be paid by the authorization and issuance of bonds by the AUTHORITY in the principal amount of not to exceed Twelve Million Dollars (\$12,000,000.00) in anticipation of the limited tax full faith and credit general obligation contractual commitments of the CITY under this Contract of Lease, pursuant to the provisions of the Act; and

WHEREAS, As a prerequisite to the authorization and issuance of the building authority bonds, it is necessary for the parties hereto to enter into this Contract of Lease whereby the AUTHORITY will lease the Project to the CITY and the CITY will lease the same from the AUTHORITY for a period extending beyond the last maturity date of said bonds, but not to exceed a period of fifty (50) years; and

WHEREAS, This Contract of Lease has been authorized by the CITY pursuant to a resolution of the City Council of the CITY adopted on August 6, 2001, and notice thereof has been published in a newspaper of general circulation in the CITY, and this Contract of Lease shall become effective after sixty (60) days have elapsed following such publication if no valid petition for referendum on the effectiveness of this Contract of Lease has been filed with the City Clerk of the CITY within forty five (45) days of publication of the notice, or, if such petition is filed, this Contract

of Lease shall become effective after it has been approved by the electors of the CITY voting thereon;

THEREFORE, IN CONSIDERATION OF THE MUTUAL UNDERTAKINGS AND AGREEMENTS SET FORTH BELOW, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

The AUTHORITY shall, as soon as practicable after the effective date of this Contract of Lease, proceed to authorize and issue its building authority bonds in the aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000.00) (the "Bonds") pursuant to and in accordance with the provisions of the Act and a resolution to be adopted by the AUTHORITY authorizing the issuance of the Bonds, together with any resolution authorizing the sale, execution and delivery of the Bonds (together, the "Bond Resolution"), the terms of which Bond Resolution are incorporated herein by this reference and will, to the extent in conflict with the provisions of this Contract of Lease so amend this Contract of Lease, for the purpose of defraying the cost of acquiring the Project. The AUTHORITY shall pledge for the payment of the principal of and interest on the Bonds the receipts from the Cash Rentals (as hereinafter defined) hereinafter agreed to be paid by the CITY. The Bonds shall be serial bonds dated as of such date as shall be determined by the AUTHORITY, shall bear interest at a rate or rates not to exceed eight (8%) per annum and shall mature, (subject to such prior redemption, if any, as may be provided in the Bond Resolution), on such dates and in such years as shall be determined in the Bond Resolution. Upon receipt of the proceeds of the sale of the Bonds, the AUTHORITY shall immediately deposit such proceeds (other than premium and accrued interest received from the purchaser of the Bonds, which shall be transferred to the bond and interest redemption fund) into a Project Fund which shall be established and maintained as a separate depository account and from which shall be paid the cost of the Project, including the costs of issuing the Bonds.

2. After the Bonds have been sold, the AUTHORITY shall enter into a final contract or contracts calling for the acquisition of the Project and shall proceed to cause the Project to be acquired, in accordance with agreements and/or plans submitted by the AUTHORITY to the CITY and approved by the CITY; provided, however that, in order to expedite the acquisition of the Project, the CITY and/or the AUTHORITY may have commenced such acquisition prior to sale of the Bonds and the CITY may have advanced funds to the AUTHORITY for the Project in anticipation of the financing of the Project through the Bonds. The AUTHORITY may, with the approval of the CITY, commence the acquisition of or otherwise further the Project prior to such sale, funding such commencement or furtherance with sums advanced to the AUTHORITY by the CITY also in anticipation of such financing, and all sums so advanced by the CITY shall promptly be reimbursed from the proceeds of the Bonds, when said proceeds are obtained. The cost estimate and estimate of period of usefulness of the Project, both of which have been filed with the City Clerk of the CITY and the Secretary of the AUTHORITY are hereby approved and adopted. The cost of the Project shall include not only direct costs of acquiring the Project but all other costs including without limitation, all architectural, engineering, environmental, inspection, surveying, financial, capitalized interest, legal, printing and publishing costs and expenses incidental to the Project and to the issuance of the Bonds. The Project shall be acquired in substantial accordance with the agreements and plans approved by the City Council and the AUTHORITY prior to issuance of the Bonds. No major changes in the scope of the Project shall be made by the AUTHORITY without the approval of the City Council and the Commission of the AUTHORITY.

3. In consideration of the rentals and other terms and conditions herein specified, the AUTHORITY does hereby let and lease the Project to the CITY and the CITY does hereby let and lease the Project from the AUTHORITY, TO HAVE AND TO HOLD for a term commencing on the effective date hereof and ending on a day fifty (50) years from the date thereof, or such lesser period as may be authorized by the provisions of this Contract of Lease. Possession of the Project shall vest in the CITY upon completion of the acquisition of the Property by the AUTHORITY. When all of the Bonds issued by the AUTHORITY to finance the Project have been retired, the AUTHORITY shall convey to the CITY all if its right, title and interest in the Project and any lands, air space, easements of right-of-way appertaining thereto. Upon such conveyance by the AUTHORITY to the CITY this Contract of Lease and the leasehold term as provided herein shall terminate, and the AUTHORITY shall have no further interest in, or obligations with respect to, the Project.
4. The CITY hereby covenants and agrees to pay to the AUTHORITY cash rentals for the use of the Project (hereinafter referred to as "Cash Rental" or "Cash Rentals") in amounts as shall be sufficient to enable the Authority to pay the principal of, premium, if any, and interest (including principal of, premium, if any, and interest on any additional bonds, as described in Section 12 hereof) on the Bonds as such principal, premium, if any, and interest shall become due (including principal of, premium, if any, and interest on any additional bonds) whether at maturity or by redemption. Payment of Cash Rentals shall be made by the CITY to the paying agent for the Bonds directly, it being understood that such transfer by the CITY shall be done for and on behalf of the AUTHORITY.

It is understood and agreed by the parties hereto that the CITY's minimum Cash Rental obligation hereunder shall be the payment of such amounts as shall equal debt service requirements on the Bonds falling due prior to the next Cash Rental payment date. However, the CITY shall retain the unrestricted right and privilege to prepay at any time whatever amounts of Cash Rentals it may choose in order to retire fully or partially the Bonds and any interest then due thereon or in order to provide for such retirement at a specified future date. The total aggregate obligation of the CITY hereunder for Cash Rentals shall at any given point in time be equal to the sum of the Cash Rentals yet to be paid to retire principal of the Bonds, plus interest accrued thereon since the last Cash Rental payment at the rate borne by the Bonds. The CITY warrants and represents that the amount of its obligation under this Contract of Lease, when taken together with other indebtedness of the CITY, will not cause its obligations under this Contract of Lease to exceed any constitutional, statutory or charter debt limitation applicable to the CITY.

The AUTHORITY shall, within thirty (30) days after the delivery of the Bonds, furnish the CITY with a complete schedule of maturities of principal and interest thereon, and the AUTHORITY shall also, at least thirty (30) days prior to each Cash Rental due date, advise the CITY, in writing, of the exact amount of Cash Rental due on the next said date, and the CITY shall pay such amount on the due date.

5. The CITY, at its own expense during the term of this Contract of Lease, shall operate, maintain and keep in repair the Project, and the total expense in connection therewith shall be borne and paid by the CITY in addition to all other rentals herein required. Operation and maintenance shall include any and all costs and expenses of operation and maintenance and such costs and expenses of repairs and maintenance as are necessary to keep the Project in good repair and working order, and shall include, but not to the

exclusion of any other items not herein specified, heating, lighting, water, sewerage, drainage and other utilities, snow and debris removal, painting and such other repair and maintenance items as are necessary to provide for efficient operation and maintenance of the Project, and to keep the same in good repair and working order, as well as proper insurance coverages. Further the CITY shall pay, as part of the operation and maintenance expense, upon written notification by the AUTHORITY, and within thirty (30) days after receipt thereof, such amounts as shall be required to meet all reasonable administrative costs and operating expenses of the AUTHORITY, including transfer agent fees, bond registration fees and any other costs or expenses attributable to the Property or the Project or the financing thereof.

6. It is understood and agreed by and between the parties hereto that the Bonds will be issued by the AUTHORITY in anticipation of the CITY's contractual Cash Rental obligation, as stated in Section 4 hereof. The CITY, pursuant to authorization of Section 8a of the Act, hereby recognizes and affirms that its contractual obligations expressed in Sections 4 and 5 hereof are full faith and credit general obligations of the CITY.

The CITY hereby expressly and irrevocably pledges its limited tax full faith and credit for the prompt and timely payment of the Cash Rentals pledged for payments of the Bonds as expressed in Section 4 of this Contract of Lease, and shall each year, commencing with the fiscal year beginning July 1, 2002, appropriate from its general funds as a first budget obligation sufficient moneys to pay such Cash Rentals. Such pledge shall include, if necessary, the obligation to levy annually, except as provided below, such ad valorem taxes on all the taxable property in the CITY which, taking into consideration estimated delinquencies in tax collections, shall be fully sufficient to pay such Cash Rentals under and pursuant to this Contract of Lease. Such levy, however, shall be subject to applicable constitutional, statutory and charter tax rate limitations and shall not be in an amount or at a rate exceeding that necessary to pay such Cash Rentals, such levy being for the purpose of providing funds to meet the contractual obligations of the CITY in anticipation of which the Bonds are issued. Nothing herein contained shall be construed to prevent the CITY from using any, or any combination, of the means and methods provided in Section 8a of the Act for the purpose of providing funds to meet its obligations under this Contract of Lease, and if at the time of making any annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligations due prior to the next tax collection period, then such tax levy may be reduced by such amount.

7. The CITY will include in its budget for the fiscal year commencing July 1, 2002 and shall include in its budget for each fiscal year thereafter, an amount sufficient to pay the total obligations under this Contract of Lease coming due in each such fiscal year. Annually, before finalization of its budget for the next ensuing fiscal year, the CITY shall prepare and transmit to the AUTHORITY a statement of the moneys to be included in said budget for payment of all costs of the Project. The AUTHORITY shall have the right to communicate directly with the City Council of the CITY regarding any items in said budget relative to the Project which might be disputed, and, in any event, the budget shall be reasonably adequate to cover all obligations of the CITY herein contained in this Contract of Lease.
8. The CITY may at any time pay in advance any of the obligations required to be paid by this Contract of Lease, in which event the AUTHORITY shall credit the CITY with advance payment on future-due payments to the extent of such advance payment. The CITY may also specify by written request that any Cash Rentals paid in advance of the requirements

set out in Section 4 hereof be used to purchase Bonds for redemption prior to maturity, either currently or at some future date, to the extent the provision for prior redemption is made in the Bonds, in which event the AUTHORITY shall be obligated to apply and use said advance payments for such purpose to the fullest extent possible.

9. The CITY may install or construct in or upon the Property or the Project or may remove from the Property or the Project any equipment, fixtures or structures and may make any alterations to or structural changes to the Property or the Project as the CITY may desire.
10. The CITY covenants and agrees that it will not permit the use of the Project or the Property in any manner that will result in a violation of local, state or federal laws, rules or regulations now or hereafter in force and applicable thereto and shall keep the AUTHORITY and the members of its Commission harmless and indemnified at all times against any loss, damage or expenses by any accident, loss, casualty or damage resulting to any person or property through any use, misuse, or nonuse of the Project and/or the Property, or by reason of an act or thing done or not done on, in or about the Project and/or the Property or in relation thereto. The CITY further covenants and agrees that it will promptly, and at its own expense, make and pay for any and all changes and alterations in or about the Project and/or the Property which during the term of this Contract of Lease may be required to be made at any time by reason of local, state or federal laws and to save the AUTHORITY harmless and free from all costs or damage in respect thereto.
11. To carry out the acquisition and construction of the Project and the financing thereof in accordance with the provisions of said Act, the following actions shall be taken by the AUTHORITY:
 - (a) The AUTHORITY will enact the necessary Bond Resolution to authorize the issuance of the Bonds in anticipation of the Cash Rentals to be paid by the CITY hereunder. The AUTHORITY will offer for sale and take such other necessary legal procedures as may be necessary to issue and sell the Bonds as soon as (i) this Contract of Lease becomes effective and (ii) all other steps required to be taken prior to sale of the Bonds have been accomplished.
 - (b) The AUTHORITY will promptly enter into and execute contracts for the acquisition of the Property and/or the Project in accordance with the agreements and plans therefore approved by the CITY. No material changes in said agreements and plans shall be made by the AUTHORITY without the consent of the CITY. The AUTHORITY shall not execute any contract in connection with the acquisition or disposition of all or any part of the Property and/or the Project until same has been approved by the City Council of the CITY.
 - (c) The AUTHORITY will require and secure from any contractor undertaking any work to be performed on the said Project necessary and proper bonds to guarantee the performance of said contract and labor and material bonds in such amounts and in such forms as may be approved by the City Attorney of the CITY.
 - (d) The AUTHORITY will immediately upon receipt of the proceeds of sale of the Bonds comply with all requirements provided for in the Bond Resolution, relative to the disposition and use of such proceeds.

- (e) The AUTHORITY may invest any bond proceeds or other funds held by it as permitted by law and investment income shall accrue to and follow the fund producing such income. However, the AUTHORITY shall not invest, reinvest, or accumulate any moneys deemed to be proceeds of the Bonds pursuant to Federal Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations there under, in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of the Code and applicable regulations there under. The AUTHORITY and the CITY will take or abstain from taking all actions required by the Code and regulations there under as may be necessary to retain for the interest on the Bonds the exemption from direct federal income taxation.
12. In the event that it should be determined that for any reason there are not sufficient funds to complete the acquisition of the Property and/or the Project, or if repair, replacement or alteration of the Project should be required to make the Project useable for the public purposes and additional funds become necessary therefore, it is agreed by the parties hereto that this Contract of Lease may be supplemented or amended to provide for the issuance of additional bonds by the AUTHORITY to provide sufficient funds to complete, repair, replace or alter the Project and also to increase the Cash Rental by an amount fully sufficient to pay all principal of and interest on the Bonds herein referred to and such additional bonds when due.

In the event such determination of insufficient funds should be made after the letting of contracts for acquisition of the Project, but before completion thereof, the AUTHORITY shall be authorized, on its own motion, to issue such additional bonds as may be necessary to provide sufficient funds to complete the acquisition of the Project or to make necessary repairs, replacements or alterations therein, and the Cash Rental to be paid by the CITY shall automatically be increased by an amount fully sufficient to pay all principal of and interest on the Bonds herein referred to and such additional bonds when due. In the event any additional bonds are issued, the duties and obligations of the AUTHORITY and the CITY as expressed and set forth in this Contract of Lease shall be applicable to such additional bonds as well as the Bonds herein referred to, it being at all times fully recognized and agreed that the Cash Rentals to be paid by the CITY, as specified in Section 4 of this Contract of Lease, shall be based upon the total amount of bonds issued to pay the costs of the Project. Any such additional Bonds shall mature serially or be payable by mandatory sinking fund redemption on the dates as provided in the Bond Resolution for the Bonds and the Cash Rentals coming due on the dates as provided in Section 4 of this Contract of Lease for the Cash Rentals shall be increased by the Principal amount of such additional bonds maturing on the dates as provided in Section 4 of this Contract of Lease. All of the provisions of this Contract of Lease shall be applicable to said increased amounts. Immediately upon the issuance of such additional bonds, the AUTHORITY shall furnish and supply the CITY with documentation specifying the new schedule of Bond payments and Cash Rentals, increased as herein authorized, which shall be substituted and take the place of the schedules herein specified. In the event additional bonds are issued, all references herein to the Bonds shall be deemed to include such additional bonds.

In lieu of the issuance of additional bonds, the AUTHORITY and the CITY may enter into any other mutually agreeable arrangement to meet increased costs or bring such costs within the amount of funds available for acquisition of the Project.

13. In the event, by reason of favorable acquisition bids received, or for any other reason, it is not necessary to issue the Bonds in the full amount presently anticipated, the AUTHORITY shall be authorized, after consultation with the CITY, to reduce the amount of Bonds to such lesser principal amount as may be necessary to pay the cost of acquisition of the Project and also to reduce the Cash Rental of the CITY so that the payments shall be sufficient to pay all principal of and interest on the Bonds. All the provisions of this Contract of Lease shall be applicable to said reduced amounts and/or said amended due dates the same as though such Bonds and Cash Rentals were originally in said reduced amounts and/or with said amended due dates. In such event, the AUTHORITY shall furnish and supply to the CITY documentation specifying the new schedule of Bond Payments and Cash Rentals, reduced and/or rescheduled as herein authorized, including copies of the Bond Resolution and any amendments thereto, which shall be substituted and take the place of the schedules herein specified.
14. After completion of acquisition of the Project and payment of all costs thereof, any unexpended balance remaining from the proceeds of sale of Bonds and the amount to be paid by the CITY to the AUTHORITY pursuant to Section 4 of this Contract of Lease, shall be used by the AUTHORITY, upon request made by resolution of the City Council of the CITY and with the approval of the Michigan Department of Treasury (or any successor agency thereto, if any), to the extent required by law, for improvements or enlargement of the Project or for any other projects of the AUTHORITY leased to the CITY. Any balance remaining after such use shall be applied to debt service requirements and shall reduce the next due Cash Rentals to the extent of such application.
15. The AUTHORITY shall deliver possession of the Property and the Project to the CITY simultaneously with conveyance thereof to the AUTHORITY, as provided in Section 2 hereof. The Project shall be acquired as promptly as possible but in the event that for any reason whatsoever the Project is not acquired in a timely fashion, the obligation of the CITY for the payment of the Cash Rentals and other costs of the Project and the performance of its other commitments under this Contract of Lease shall in any event remain in full force and effect in order to provide for the payment of principal of and interest on the Bonds and other costs in connection therewith.
16. The CITY shall provide:
 - (a) liability insurance to the extent necessary to protect the AUTHORITY and the CITY against loss on account of damage or injury to persons or property imposed by reason of the ownership of the Property and the Project or resulting from any act of omission or commission on the part of the AUTHORITY or the CITY, their agents, officers and employees, in connection with the operation, maintenance or repair of the Property and the Project or the furnishing of any service to the CITY;
 - (b) casualty insurance against such risks and in such amounts as are usually carried on projects of similar size and nature; and
 - (c) funds to pay the premium on a sufficient fidelity bond from any person handling the funds of the AUTHORITY.
17. Any funds received by the AUTHORITY or the CITY from any insurance policies, or otherwise, because of casualty or damage to the Property or the Project shall be used

promptly to restore the Property and the Project to a condition satisfactory to the CITY. If such funds are not sufficient to so restore the Property and/or the Project, the CITY and the AUTHORITY may agree upon, or the CITY and the AUTHORITY may agree to issue additional bonds for such restoration, in which event the provisions of Section 12 hereof with respect to additional bonds and increased Cash Rentals shall apply. If in the judgment of the AUTHORITY, concurred in by the CITY, the funds received from any insurance policies, or otherwise, by the AUTHORITY or the CITY shall be insufficient to restore the Project to a condition satisfactory to the CITY and if additional CITY funds are not made available or additional bonds are not authorized to make property restoration, then, in that case, the AUTHORITY shall hold and/or invest the funds paid to it by reason of such loss for the benefit of the holders of the Bonds, and when upon receipt of sufficient Cash Rentals from the CITY which, together with the proceeds of the insurance and other available funds, will be sufficient to pay the principal of and interest on the Bonds, said moneys shall be deposited by the AUTHORITY, in trust, for the benefit of the bondholders and used to pay the principal of and interest on said Bonds as they mature.

18. The leasehold rights, duties and obligations of the CITY as specified in this Contract of Lease shall not be assigned or sublet, in whole or in part, during the term of this Contract of Lease or while any of the Bonds are outstanding and unpaid, except to the extent that such assignment or sublease benefits and serves as a legitimate public purpose of the CITY, in which event the CITY shall be authorized to assign this Contract of Lease or sublet the Property or the Project, or any part thereof, but only to the extent and in the manner that the CITY could assign or sublet if it were the owner of the Property or the Project. In no event shall any assignment or subletting relieve the CITY of its primary obligations to pay the Cash Rentals and operation and maintenance costs of the Property and the Project hereunder or perform any of its other obligations hereunder.
19. The CITY shall have, and is hereby granted, the right to require the AUTHORITY to release from the terms and restrictions hereof any part of the Property, or any interest therein, at any time and from time to time while the CITY is not in default hereunder, without cost to the CITY, provided that the CITY furnishes the AUTHORITY with:
 - (a) A notice, in writing, containing an adequate legal description of that portion of the Property with respect to which such right is to be exercised, together with a survey thereof; and
 - (b) A certificate signed by an engineer or architect stating (i) that no part of the improvements constituting the Project (other than sewer, water, gas, electric and communication lines and other utilities, and the like, which shall be specified in such certificate) is located on the portion of the Site with respect to which such right is exercised, and (ii) that the severance of such portion of the Property will not impair the operating utility or materially alter the character of the Project or the balance of the Property.

From and after the consummation of any release effected by the CITY pursuant to the provisions of this Section, any reference herein to the Property shall be deemed to refer to the real property described herein, and the buildings and improvements thereon, less and except any portion or interest therein released to the CITY under this Section and any part theretofore released to the CITY under this Section. No release effected by the CITY

under the provisions of this Section shall entitle the CITY to any abatement or diminution of the Cash Rentals or other obligations payable hereunder.

20. The AUTHORITY, its agents, servants or employees shall have the right at all times of entering upon the Property and the Project for the purpose of acquiring, constructing and inspecting the same pursuant to its commitments hereunder and determine whether all of the terms, agreements, covenants and conditions herein contained are being complied with.
21. The CITY covenants and agrees that it will continue to pay to the AUTHORITY, in accordance with the terms of this Contract of Lease, the Cash Rentals and the operation and maintenance costs of the Property and the Project at the times and in the manner herein established without reduction or abatement for any cause or reason whatsoever, including, but not limited to, casualty which results in the Property or the Project being untenable or the failure to have the Project restored under Section 17 hereof, and without right of set off or recoupment, until the principal of and interest on all Bonds are paid in full or adequate funds are available and held in trust for the benefit of the holders of the Bonds for that purpose.
22. The CITY covenants and agrees that if, before the Bonds have been retired, default shall at any time be made by the CITY in payments of Cash Rentals or operation and maintenance costs as herein required or in the performance of any of its obligations hereunder, the AUTHORITY shall have the right to use all the remedies provided by law to correct said default, including those specifically set forth in the Act and the resolution to be enacted by the AUTHORITY providing for the issuance of the Bonds. In the event of any such default, the holder or holders of the Bonds may, to the extent permitted by law, exercise and enforce the rights of the AUTHORITY hereunder.
23. The AUTHORITY and the CITY each recognize that the Bonds are to be issued in anticipation of the Cash Rentals to be paid by the CITY hereunder and that the holders from time to time of the Bonds will have contractual rights in this Contract of Lease, and it is, therefore, covenanted and agreed by each of them that so long as any of the Bonds shall remain outstanding and unpaid the provisions of this Contract of Lease shall not be subject to any alteration or revision which would in any manner unfavorably affect either the security of the bonds or the prompt payment of principal or interest thereon. The AUTHORITY and the CITY further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Contract of Lease promptly at the times and in the manner herein set forth and will not suffer to be done any act which would in any way impair the Bonds, the security therefore, or the prompt payment of principal and interest thereon. The CITY may, in writing, waive strict compliance by the AUTHORITY with the dates set out herein for the entering into a final contract for acquisition of the Property and/or completion of the Project, and such dates may be altered upon mutual agreement by the parties hereto.
24. Any notice necessary or proper to be given to any of the parties hereto may be served in the following manner:
 - (a) If to the AUTHORITY, by delivering the same to any member of the Commission thereof,

- (b) If to the CITY, by delivering the same to the City Manager or the Assistant City Manager/Finance.
25. This Contract of Lease shall terminate on the payment in full of all principal and interest on all the Bonds. When the Bonds have been retired and the Contract of Lease terminated, the AUTHORITY shall convey the Property and the Project to the CITY, without consideration, by quit claim deed and appropriate bills of sale in such form and manner as may be approved by the Attorney of the CITY. Upon termination of this Contract of Lease in the manner set forth above, the AUTHORITY shall promptly pay over to the CITY any and all funds held by it pertaining to the aforesaid Bonds or in any other manner relating to the Property and the Project.
26. The AUTHORITY covenants that the CITY, upon compliance with the terms of this Contract of Lease, shall and may peacefully and quietly have and hold and enjoy the Property and the Project for the term herein provided.
27. Nothing herein contained shall in any way be construed to prevent additional financing under the provisions of the Act, or any other law, for any of the purposes set out in the Articles of the Incorporation of the AUTHORITY.
28. This Contract of Lease shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

IN WITNESS WHEREOF, The MUNICIPAL BUILDING AUTHORITY OF TROY, by its Commission, and the CITY OF TROY, by its City Council, have each caused its name to be signed to this instrument by its duly authorized officers as of the day and year first above written.

MUNICIPAL BUILDING AUTHORITY OF TROY

By: _____
Its: Chairperson

-and-

By: _____
Its: Secretary

CITY OF TROY

By: _____
Its: Matt Pryor, Mayor

-and-

By: _____
Its: Tonni L. Bartholomew, City Clerk

STATE OF MICHIGAN)
)SS
 COUNTY OF OAKLAND)

On this 6th day of August 2001, before me appeared _____ and _____ to me personally known, who being by me duly sworn, did, each for himself or herself, say that they are respectively, the Chairperson and Secretary of the Commission of the MUNICIPAL BUILDING AUTHORITY OF TROY, a public corporation of the State of Michigan, and that said instrument was signed behalf of said AUTHORITY by authority of its commission, and the said persons acknowledged said instrument to be the free act and deed of said AUTHORITY.

 Notary Public

STATE OF MICHIGAN)
)SS
 COUNTY OF OAKLAND)

On this 6th day of August, 2001, before me appeared Matt Pryor and Tonni L. Bartholomew to me personally known, who being by me duly sworn, did, each for himself or herself, say that they are, respectively, the Mayor and the City Clerk of the CITY OF TROY, a Michigan municipal corporation, and that said instrument was signed and sealed on behalf of said CITY by authority of its City Council, and the said persons acknowledged said instrument to be the free act and deed of said CITY.

 Notary Public

[SEAL]

Yes: Kaszubski, Lambert, Pallotta, Schilling, Pryor, Beltramini
 No: Howrylak

MOTION CARRIED

(b) Notice of Intention of Entering into Limited Tax Supported Contract of Lease and of Right to Petition for Referendum Thereon

Resolution #2001-08-408(b)

Moved by Pallotta

Seconded by Kaszubski

TO THE TAXPAYERS AND ELECTORS OF THE CITY OF TROY, MICHIGAN:

PLEASE TAKE NOTICE that the City of Troy (the "City") intends to approve and execute a Contract of Lease (the "Contract") with the Municipal Building Authority of Troy (the "Building Authority") pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (the "Act"). Such Contract will provide, among other things, that said Building Authority will acquire certain real property in the City and develop, construct, furnish and equip an eighteen (18) hole municipal golf course and related site improvements thereon together with appurtenant properties and facilities necessary or convenient for the effective use thereof (together, the "Project"), and WILL ISSUE ITS BONDS TO FINANCE THE ESTIMATED COST OF ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING THE SAME FOR SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000.00. Said bonds will be issued in one or more series, will mature serially in not to exceed 30 annual installments, and will bear interest not exceeding 8% per annum on the outstanding principal balance or such higher rate as may be authorized by law.

The Contract will further provide that the City will lease the Project from the Building Authority and WILL PAY AS RENTAL TO THE BUILDING AUTHORITY ALL SUMS NECESSARY TO RETIRE THE PRINCIPAL OF AND INTEREST ON SAID BONDS, TOGETHER WITH ALL COSTS OF OPERATING AND MAINTAINING THE PROJECT AND ALL COSTS of the Building Authority in connection therewith, regardless of whether the Project is tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of statutory, charter and constitutional debt limitations, and said principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the Project.

**CITY
CONTRACT OBLIGATION**

BY VIRTUE OF SAID PROPOSED CONTRACT AND THE ACT, THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY UNDER THE CONTRACT WILL BE LIMITED TAX FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE, EXCEPT AS LIMITED BY LAW. THE OBLIGATION TO LEVY TAXES IS LIMITED BY APPLICABLE CONSTITUTIONAL, CHARTER AND STATUTORY TAX RATE LIMITATIONS.

SAID PROPOSED CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY, AS PERMITTED BY LAW, UPON THE EXPIRATION OF 60 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A PETITION

REQUESTING AN ELECTION ON THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN 45 DAYS FROM THE DATE OF THIS PUBLICATION. If such petition is so filed, the Contract shall not be effective without an approving vote by a majority of electors of the City voting on the question.

This Notice is given pursuant to the requirements of Section 8(b) of the aforesaid Act 31, as amended. Further information concerning the details of said Contract, the Project being financed and the matters set out in this Notice may be secured from the City Clerk's office. A copy of the Contract will be on file in the office of the City Clerk for public inspection within 30 days from the date hereof.

Tonni L. Bartholomew - City Clerk

Yes: Kaszubski, Lambert, Pallotta, Schilling, Pryor, Beltramini

No: Howrylak

MOTION CARRIED

(c) Resolution Authorizing Publication of Notice of Intent to Enter into Building Authority Contract of Lease, Authorizing Certain Filings with the Michigan Department of Treasury and Authorizing Reimbursement From Bond Proceeds

Resolution #2001-08-408(c)

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, This City Council of the City of Troy (the "City") has determined that it is advisable for the City to acquire, develop, construct, furnish and equip an eighteen (18) hole municipal golf course and related site improvements, together with appurtenant properties and facilities necessary or convenient for the effective use thereof (the "Project"), as more fully described in the contract of lease (the "Contract of Lease") attached hereto as Exhibit A and by this reference made a part hereof; and

WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, ("Act 31") provides through the procedures of building authority financing a means for the acquisition, construction and financing of the Project; and

WHEREAS, The City, in accordance with the provisions of said Act 31, has previously adopted Articles of Incorporation and has established the Municipal Building Authority of Troy (the "Authority"), with full powers to acquire and construct the Project; and

WHEREAS, This City Council has determined it to be in the best interest of the City to acquire and construct the Project through the Authority, and to finance the Project by means of the issuance of bonds by the Authority, in one or more series, in accordance with the provisions of said Act 31; and

WHEREAS, A Contract of Lease between the City and the Authority providing for the acquisition, construction and financing of the Project and such matters as are deemed necessary thereto has been prepared for approval by the Authority and the City; and

WHEREAS, This City Council is desirous of publishing a Notice of Intention of Entering into a Limited Tax-Supported Contract of Lease and a Right to Petition for Referendum, Thereon between the City and the Authority so as to begin the statutory referendum period with respect thereto; and

WHEREAS, Prior to issuance of the bonds by the Authority, the Authority and the City must either receive prior approval of such obligation from the Michigan Department of Treasury ("Treasury") or receive an order of exception from prior approval; and

WHEREAS, In order to be exempt from prior approval, or to receive prior approval of such obligation, the Authority and the City must notify Treasury of the Authority's intent to issue the bonds; and

WHEREAS, The City intends, at this time to state its intention to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the afore described Project prior to issuance of the bonds; and

WHEREAS, The City Council desires to make certain declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150 pursuant to the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED, That:

The City Council hereby determines it to be advisable for the City to acquire and construct the Project.

This City Council deems it to be in the best interest of the City to finance the cost of acquiring and constructing the Project through the Authority in accordance with the provisions of the aforesaid Act 31, including issuance by the Authority of bonds, in one or more series, in the aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000.00), to mature in annual installments not to exceed thirty (30) in number.

The City Clerk is hereby authorized and directed to publish a Notice of Intention of Entering into Limited Tax-Supported Contract of Lease and of Right to Petition for Referendum Thereon (the "Notice of Intent") in the *Troy-Somerset Gazette*, a newspaper of general circulation in the City, promptly upon adoption of this resolution, said Notice of Intent to appear as a display advertisement at least one-quarter (1/4) page in size.

The Notice of Intent shall be in substantially the form attached hereto as Exhibit "B".

The City Council does hereby determine that the designated newspaper is the newspaper circulating in the City which reaches the largest number of persons to whom the aforesaid Notice of Intent is directed and that publication of the aforesaid Notice of Intent in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the Project and the financing thereof.

A copy of the Contract of Lease presented on this date and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part hereof and shall be placed on file with the City Clerk and made available for public examination by any interested person during normal business hours.

The City Council hereby approves the Contract of Lease and the Mayor and the City Clerk are hereby authorized to execute and deliver the Contract of Lease for and on behalf of the City (in such number of counterparts as may be desirable) PROVIDED; however, that the Contract of Lease shall not become effective until the expiration of 60 days after publication of the Notice of Intent or, if within 45 days from the date of publication of the Notice of Intent a petition requesting a referendum upon the Contract of Lease, signed by at least 10% of the registered electors of the City is filed with the City Clerk, then the Contract of Lease shall not become effective until approved by a majority vote of the qualified electors of the City voting thereon at a general or special election.

The Assistant City Manager/Finance or the City Clerk and City Treasurer are each authorized to notify Treasury of the City's intent to pledge its limited tax full faith and credit to the bonds described in the preamble to this resolution, to pay the required filing fee and to request an order providing an exception from prior approval for the bonds by Treasury and to apply for any related waivers, or to request prior approval of the bonds if the exception from prior approval is not available.

The Assistant City Manager/Finance or the City Manager, and the City Clerk are each hereby authorized and directed to approve the circulation of a preliminary and final official statement for the bonds, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all things necessary for compliance with Rule 15c-2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule").

The Assistant City Manager/Finance or the City Manager, or the City Clerk and City Treasurer are each further authorized and directed to execute and deliver in the name of and on behalf of the City (i) a continuing disclosure undertaking of the City pursuant to Subsection (b)(5) of the Rule and (ii) amendments to such undertaking from time to time in accordance with the terms of such undertaking (such undertaking and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Undertaking". The City hereby agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. The remedies for any failure of the City to comply with and carry out the provisions of the Continuing Disclosure Undertaking shall be as set forth therein.

The Assistant City Manager/Finance or the City Manager, and the City Clerk are each hereby further authorized and directed to execute and deliver such other certificates and documents and to do all other things necessary to effectuate the Contract of Lease and the sale and delivery of the bonds by the Authority.

The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to be reimbursed for the expenditures described in (b) below with proceeds of debt to be incurred by the Authority.

- (b) The expenditures described in this paragraph (b) are for costs related to the Project, which were or will be paid subsequent to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$12,000,000.00.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. §1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. §1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City as reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. §1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. §1.148-1) within one-year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of \$100,000.00 or five (5%) percent of the proceeds of the borrowing, or preliminary expenditures not exceeding twenty (20%) percent of the issue price of the borrowing, within the meaning of Treas. Reg. §1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yes: Kaszubski, Lambert, Pallotta, Schilling, Pryor, Beltramini

No: Howrylak

MOTION CARRIED

F-12 Cross Access Easement Agreements – Private Streets

Resolution #2001-08-409

Moved by Pallotta

Seconded by Schilling

WHEREAS, The City Management will prepare draft amendments to the City's Development Standards to address cross access easements when two adjacent developments utilizing private streets are proposed, and therefore;

RESOLVED, That based upon City Management's recommendation, the Cross Access Agreement for the private road within the Charleston Club Condominium be referred to the Planning Commission for reconsideration.

Yes: All-7

Recess: 9:09 P.M. – 9:27 P.M.

F-13 Study Session with Representatives of Conventional Wisdom, Inc. Regarding Economic Feasibility of Civic Center Site Plan Elements

Resolution #2001-08-

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That a Study Session be scheduled for 6:00 P.M. on August 20, 2001 for a discussion on proposed Civic Center site plan elements.

Resolution to Amend Main Motion

Resolution #2001-08-410

Moved by Pryor

Seconded by Kaszubski

RESOLVED, That the main Resolution be amended by striking 6:00 and inserting 5:30.

Yes: All-7

Vote on Amended Resolution

Resolution #2001-08-411

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That a Study Session be scheduled for 5:30 P.M. on August 20, 2001 for a discussion on proposed Civic Center site plan elements.

Yes: All-7

F-14 Update of Chapter 18 – City Water Utility Ordinance

Resolution #2001-08-412

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That an ordinance amendment to Chapter 18, Section 12 is hereby adopted as recommended by City Management. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes: All-7

F-15 Topics for August 27, 2001 Study Session

Resolution #2001-08-413

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the following topics will be discussed at the August 27, 2001 Study Session:

- 1) Electronic Agenda
- 2) Proposed Changes to Council Rules and Procedures
- 3) Interconnectability of Public Streets and Cross-Access Agreements
- 4) Update on Ballot Language Regarding Proposed Millage for Purpose of Purchasing Wetlands/Natural Features Property

Yes: All-7

COUNCIL COMMENTS/REFERRALS**Resolution to Take Action on Council Member's Proposed Alternative Layout of the Parking Lot and Driveway Access to the Proposed Police/Fire Department Extension to the Troy City Hall**

Resolution #2001-08-414

Moved by Howrylak

Seconded by Kaszubski

RESOLVED, To approach Redstone Architects and ask them to proceed with the driveway and parking plan as submitted by Council Member Howrylak and ask them to determine a cost and feasibility comparison of the proposal to be presented within a two week time period.

Yes: Kaszubski, Lambert, Pallotta, Pryor, Beltramini, Howrylak,

No: Schilling

MOTION CARRIED

Suspend City Council Rules and Continue with Agenda

Resolution #2001-08-415

Moved by Howrylak

Seconded by Pryor

That City Council suspend Rules of Procedure #21 and continue discussion on Agenda items to 11:30 P.M.

Yes: All-7

Resolution for Redstone Architects to Extend Their Contract to Provide Updated Information Regarding the Civic Center Site

Resolution #2001-08-416

Moved by Pryor

Seconded by Howrylak

RESOLVED, That Redstone Architects extend their contract for 30-days so that City Management can provide an updated version of their report to include the feasibility of renovating the current city hall facility versus the feasibility of the construction of a new building.

Yes: Pryor, Howrylak

No: Lambert, Pallotta, Schilling, Beltramini, Kaszubski

MOTION FAILED

VISITORS

REPORTS AND COMMUNICATIONS

G-1 City of Troy Proclamation:

Resolution #2001-08-417

Moved by Pallotta

Seconded by Beltramini

RESOLVED, That the following City of Troy Proclamation, be approved:

(a) Proclamation to Extend Greetings to the Citizens of Tatarstan

Yes: All-7

G-2 Minutes – Boards and Committees:

- (a) Advisory Committee for Senior Citizens/Final – May 3, 2001
- (b) Library Advisory Board Minutes/Final – June 21, 2001
- (c) Ad Hoc Church Committee Minutes/Draft – July 5, 2001
- (d) Ad Hoc Church Committee Minutes/Draft – July 11, 2001
- (e) Building Code Board of Appeals/Draft – July 11, 2001
- (f) Library Advisory Board/Draft – July 12, 2001
- (g) Board of Zoning Appeals/Draft – July 17, 2001
- (h) Employees' Retirement System Board of Trustees/Draft – July 18, 2001

Noted and Filed

G-3 Department Reports:

- (a) 2001 Year-to-Date Crime and Calls for Service Report

Noted and Filed

G-4 Announcement of Public Hearings:

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- (a) Letter from Jeanne M. Stine to Mayor and City Council Members Thanking Them for the Tribute Paid to Her at the July 23, 2001 Meeting in Recognition of Her Service to the City of Troy
- (b) Letter from Lieutenant Timothy W. McKernan – Clawson Police Department to Chief Charles Craft Expressing his Appreciation for the City of Troy Police Assistance They Received During Their 4th of July Celebration
- (c) Letter from Stoneridge Woods II Subdivision to Lieutenant Steve Zavislak Thanking the City of Troy Police Department for Their Participation in Their July 4th Subdivision Parade
- (d) Letter from Richard A. Hornkohl – Superintendent of Water and Sewer for the City of Westland to Mike Karloff in Appreciation for the Assistance the City of Troy Water Department Gave Them in Obtaining the Necessary Parts to Repair Their 16" Concrete Water Main
- (e) Thank You Note from Deane Castilloux to Mark Stimac Thanking Him for All the Effort He Personally Committed to the Project in Her Neighborhood
- (f) Letter from Cheryl A. Whitton – Treasurer of the Troy Community Foundation to Mayor and City Council Members Expressing Their Gratitude for Recent Donation to the 2001 Veteran's Memorial Fund

Noted and Filed

G-7 I-75 Corridor Implementation Meeting

Noted and Filed

G-8 Don Childs v Troy Golf LLC and City of Troy et. al

Noted and Filed

G-9 Letter to Randy Cleghorn from John K. Abraham Regarding “Neighborhood Traffic Harmonization Program”

Noted and Filed

G-10 Letter From Stephen G. Schnell – President of Westwood Park Homeowners Association to Mayor Pryor Regarding Skateboarding Park

Noted and Filed

G-11 Troy Sports Center/Housing for the Elderly – Update - North of Big Beaver Road, West of John R Road – Section 23

Noted and Filed

The meeting adjourned at 11:33 P.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, City Clerk

A Special Meeting of the Troy City Council was held Monday, August 6, 2001, in the Lower Level Conference Room at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 6:30 P.M.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

ALSO PRESENT: Robert A. Berk
Cheryl A. Whitton Kaszubski
Kessie Kaltsounis
Eldon Thompson

Troy Daze Committee Mission

Resolution #2001-08-390 (a)
Moved by Schilling
Seconded by Kaszubski

RESOLVED, That the Troy Daze Advisory Board Mission Statement be approved as presented.

Yes: All-7

The meeting adjourned at 6:55 P.M.

Matt Pryor, Mayor

John M Lamerato
Assistant City Manager/Finance and Administration

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Presentation from WideOpenWest

DATE: August 14, 2001

WideOpenWest has applied for transfer control of the ICCA Cable Television Franchise from Ameritech New Media. The ICCA is in discussions with WideOpenWest and should have a recommendation to the City Council for the first meeting in September.

Mark Dineen, Senior VP and General Manager for WideOpenWest Michigan will make a brief presentation on what WideOpenWest will offer to our Troy residents. Attached is a packet of information.

August 8, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Approval to Pay Residential Relocation Claim
Harold R. Thomas
Civic Center Area Improvement Project – Project No. 97.110.0
Sidwell #88-20-21-476-006

On May 10, 1999 City Council approved the full acquisition of the property at 11 Town Center in Resolution #99-261 from Harold R. Thomas in connection with the proposed Civic Center Improvement Project. The City received possession of this property on December 11, 2000 and Mr. Thomas moved to a replacement property at 475 Lesdale, in Troy.

In accordance with Federal Guidelines and past practice in displacing a family from their home for a City project, Mr. Thomas is eligible to receive a total of \$23,550 in relocation benefits. He has filed the necessary claim forms and supplied the needed documentation to justify the payment. The amount includes the “Replacement Housing Supplement” and “Fixed Moving Payment”. The funds will come from the Civic Center Area Improvement Project budget.

It is requested that City Council approve this payment.

Att.

RELOCATION CLAIM RESIDENTIAL

Information required by Act 31, P.A. 1970 as amended, and Act 277
P.A. of 1972, to process payment.

MDOT A679 (12/95)

CLAIMANT'S NAME: HAROLD R. THOMAS
MAILING ADDRESS: 475 LESDALE, TROY, MI 48098
ACQUIRED PROPERTY ADDRESS AND PHONE: 11 TOWN CENTER (248) 828-7113
REPLACEMENT PROPERTY ADDRESS AND PHONE: 475 Lesdale Troy, MI 48098

CONTROLLING DATES

Date occupied City acquired property: _____ Date of first written offer: 3-19-99
Date of move: 12-11-00 Date of final payment: _____ Date of estimated just compensation deposit: 7-11-00

MUST OCCUPY REPLACEMENT PROPERTY BY —

If Tenant, 12 months after date of move. Date: _____
If Secured Owner, 12 months after date of final payment. Date: _____
If Unsecured Owner, 12 months after date of estimated just compensation deposit. Date: _____

MUST FILE CLAIM FOR PAYMENT BY —

If Tenant, 18 months after date of move. Date: _____
If Owner, 18 months after date of move or final payment, whichever is later. Date: 6-11-02

Listed below are relocation payments claimed in accordance with Act 31, PA 1970 as amended. For further information, please refer to the booklet "Your Rights and Benefits When Displaced. From a City of Troy Project".

Replacement Housing Supplement	<u>\$22,300</u>
Incidental Closing Costs	_____
Increased Interest Differential	_____
Replacement Rental Supplement (Installment # _____)	_____
Purchase Down Payment	_____
Moving - Fixed or Actual	<u>1250.00</u>
AMOUNT DUE:	<u>\$ 23,550.00</u>

We agree payment will be sent to: 475 Lesdale, Troy, MI 48098

We Certify that:

1. All information submitted is true and correct.
2. We have purchased and occupied, or will purchase and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the Michigan Department of Transportation and the City of Troy.
3. We have vacated or will vacate the state acquired property.
4. We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
5. We agree if the amount of compensation deposited is increased in an administrative settlement or condemnation action, the replacement housing supplement shall be recalculated based upon the increased compensation award, and any overpayment in the housing supplement shall be deducted by the Department from the final payment.

Claimant's Signature: [Signature] Date: 1-26-01
Claimant's Signature: _____ Date: _____

I certify that I have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal Laws and the operating procedures of the Michigan Department of Transportation and the City of Troy.

RECOMMENDED BY: Patricia A. Pettito DATE: 8-8-01

APPROVED BY: _____ DATE: _____

Remarks:

CONTROL SECTION <u>21-476-008</u>	PARCEL <u>4</u>	NAME <u>HAROLD R. THOMAS</u>
JOB NUMBER <u>97.110.0</u>	FED ITEM NUMBER	FED PROJ NUMBER



August 14, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: HIND SARHAN v. CITY OF TROY et. al.

Attached please find a lawsuit that was recently filed against the City of Troy and unnamed Troy police officers. The lawsuit has also been filed against Target Corporation d/b/a Hudson's and two security agents for the Oakland Mall Hudson's store. The lawsuit has been filed in federal court, and assigned to Judge Robert H. Cleland. The lawsuit alleges false arrest, excessive force, assault and battery, intentional infliction of emotional distress, gross negligence and conspiring with the co-defendants to violate Ms. Sarhan's civil rights.

In her complaint, Ms. Sarhan alleges that she was lawfully in the Hudson's store at the Oakland Mall. According to her complaint, two Hudson's security employees falsely arrested her, using excessive force that caused severe injuries. Sarhan further alleges in her complaint that the Troy Police Department was then summoned, and falsely arrested Plaintiff, again using excessive force that caused severe injuries. Plaintiff further alleges that she was repeatedly pushed into the side of the patrol vehicle, in ignorance of her claims that she was pregnant. Although the officer is unnamed, the complaint also alleges that this officer had a violent propensity, of which the City of Troy knew or should have known. She also alleges a failure to train/failure to discipline. She is seeking damages in excess of \$75,000.

The Troy police report indicates that when our police officers arrived, Ms. Sarhan was yelling obscenities and swinging her arms at the Hudson's security officers. The Hudson's security officers reported that Ms. Sarhan pushed one of the security officers against the wall, and struck her several times in the face. She then dragged the security officer outside, where she slammed her head on the sidewalk and scratched her face and neck. She then spit in the face of the security guard, who was visibly injured when the police arrived on the scene. Ms. Sarhan was charged with Retail Fraud and Assault and Battery, to which she pled guilty and served 10 days in jail.

Our office will assume representation of the City absent objections from the City Council. If you have any questions concerning the above, please let me know.

United States District Court Eastern District of Michigan



Summons in a Civil Action and Return of Service Form

ROBERT H. CLELAND

01-72931

Case Number and Judge Assignment (to be supplied by the Court)

Plaintiff name(s):

HIND SARHAN ,

Plaintiff's attorney, address and telephone:

ELIAS MUAWAD (P41632)
-19189 West Ten Mile Road
Southfield, MI 48075
(248) 948-1022

Defendant name(s):

CITY OF TROY,

vs.

Name and address of defendant being served:

CITY OF TROY
500 West Big Beaver Road
Troy, MI 48084

To the defendant:

This summons is notification that YOU ARE BEING SUED by the above named plaintiff(s).

1. You are required to serve upon the plaintiff's attorney, name and address above, an answer to the complaint within 28th 20th days after receiving this summons, or take other actions that are permitted by the Federal Rules of Civil Procedure.
2. You must file the original and one copy of your answer within the time limits specified above with the Clerk of Court.
3. Failure to answer or take other action permitted by the Federal Rules of Civil Procedure may result in the issuance of a judgment by default against you for the relief demanded in the complaint.

David J. Weaver
Clerk of the Court

By: 

Deputy Clerk

AUG - 3 2001

Date of issuance

UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TROY LAW DEPARTMENT

AUG 13 12 15 PM '01

HIND SARHAN,

Case No.

Plaintiff,

vs.

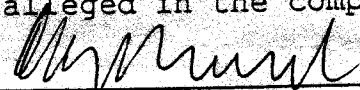
CITY OF TROY,
OFFICER JOHN DOE,
individually and
in his official
capacity, TARGET
CORPORATION, d/b/a
HUDSON'S DEPARTMENT
STORE, and JANE DOE
and JAN DOE, security
personal for TARGET
CORPORATION,

Defendants.

MUAWAD & MUAWAD, P.C.
ELIAS MUAWAD (P41632)
Attorneys for the Plaintiff
19189 West Ten Mile Road
Southfield, MI 48075
(248) 948-1022

COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other pending or resolved civil actions arising out of the same transaction or occurrence as alleged in the complaint.



ELIAS MUAWAD (P41632)

INTRODUCTORY STATEMENT

1. This is an action for damages sustained by a resident of United States against Police Officers of Troy, State of Michigan, and Employees of Target Corporation, a Michigan Corporation.

Muawad & Muawad, P.C.
Attorneys at Law
19189 West Ten Mile Road
Southfield, MI 48075
(248) 948-1022
Fax (248) 948-1813
E-Mail: muawadpc@netperson.net

2. That Officers and Employees of Target Corporation unlawfully assaulted and illegally arrested Plaintiff.
3. The City of Troy and it's Police Department are joined due to their defective policy of excessive forces and cover-up and their policy of indifference to reports of excessive force.
4. Target Corporation is joined due to their defective policy of excessive forces and cover-up and their policy of indifference to reports of excessive force.
5. All Defendants are charged with engaging in a conspiracy to deprive Plaintiff of her rights, privileges, and immunities under the law, and *engaging in a conspiracy to cover-up* the illegal arrest and assault and torture of Plaintiff.

JURISDICTION AND VENUE

6. Plaintiff incorporates by reference Paragraphs 1 through 5 as fully set forth herein.
7. This action is brought pursuant to 42 USC sec. 1983, 1985 and 1988, the 4th, 5th, 8th and 14th Amendments to the Constitution, and pendent state claims.
8. Jurisdiction of the Court is predicated upon 28

Muawad & Muawad, P.C.
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USC sec 1331 (Federal Question), 1343 (Civil Rights), and 1332 (Diversity of Citizenship).

9. Venue is appropriate in this Court pursuant to 28 USC sec. 1331 as all parties reside in the Southern District of Michigan where the claim arose.

10. The amount in controversy exceeds \$75,000.00.

THE PARTIES

11. Plaintiff incorporates by reference Paragraphs 1 through 10 as fully set forth herein.

12. Plaintiff is a resident of the City of Roseville, State of Michigan, United States of America.

13. The City of Troy is a municipal City in the State of Michigan, United States of America

14. At all relevant times, Defendant Officer John Doe, was a Police Officer employed by the City of Troy Police Department, State of Michigan. At all relevant times Defendant Officer acted in the capacities of agent, employee, and servant of Defendant, City of Troy. This Defendant is sued in his individual and official capacities.

15. Target Corporaton is a Michigan Corporation conducting business in the City of Troy, State of Michigan, United States of America.

Muawad & Muawad, P.C.
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16. At all relevant times, Defendants Jane Doe and Jan Doe were employed by the Target Corporation. At all relevant times Defendant Employees acted in the capacities of agent, employee, and servant of Defendant, Target Corporation. These Defendants are sued in their individual and official capacities.

17. That the location of the incident which is subject of this action is or is near the Oakland Mall parking lot in the City of Troy, State of Michigan, United States of America, which is owned, operated, controlled, and/or possessed by Target Corporation.

FACTUAL ALLEGATIONS

18. Plaintiff incorporates by reference Paragraphs 1 through 17 as fully set forth herein.

19. On or about February 22, 2000 Plaintiff was lawfully on Defendant Target Corporation's premises when Defendant's security employees, JANE DOE and JAN DOE, falsely arrested Plaintiff, and in so doing used excessive and unnecessary force which caused Plaintiff to sustain severe injuries.

20. Defendants, Target Corporation and its employees, owed Plaintiff the duty to use due care and act in

Muawad & Muawad, P.C.
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a reasonable manner with respect to Plaintiff's civil liberties and her person.

21. Defendants breached the duty of care owed to Plaintiff by way of the following, but not limited to:

- A. Arresting Plaintiff without probable cause and without any reasonable justification;
- B. After arresting Plaintiff, failing to use due care so Plaintiff would not be injured while in Defendant's care.
- C. To continue to strike Plaintiff without provocation or justification, despite being informed Plaintiff was pregnant.

22. Defendant City of Troy Police Department was summoned.

23. Defendant Troy Police Officer John Doe responded to the summons.

24. Defendant City of Troy Police Officer John Doe falsely arrested Plaintiff and in doing so used excessive and unnecessary force which caused Plaintiff to sustain severe injuries.

25. Defendant City of Troy Police Officer repeatedly pushed Plaintiff into the side of his patrol vehicle and the ground, ignoring Plaintiff's claim

that she was pregnant.

26. The unlawful action by the individual Defendant as supported in this claim were pursuant to a de facto policy by the City of Troy and its' Police Department to subject individuals to excessive force.
27. The existence of the de facto policy described in paragraph 26 was known to officers, supervisory personnel and the Police Department in the City of Troy for a substantial period of time.
28. It is also believed upon information and belief that supervisory police personnel in the City of Troy had information and prior notice of the viscous propensities of Defendant Officer. But the supervisors and the City as a matter of policy, allowed these acts to continue and took no steps to curb these abuses, nor to discipline the officer involved, nor to discourage the officer of abusive use of authority.
29. Upon information and belief, the City of Troy and its' Police Department authorized and tolerated as an institutional practice, the excessive use of force and by the following:
 - A. Failing to properly discipline, restrict and

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- control employees, including the Defendant known to be irresponsible in his dealings with citizens of the community;
- B. Failing to take adequate precautions in the hiring, promotion, and retention of police officers, especially regarding the individual Defendant;
 - C. Failing to forward to the Office of the District Attorney, U.S. Attorney, or other appropriate official, evidence relating to incidents of excessive force and brutality committed by police personnel;
 - D. Failing to establish and assure a bona fide and meaningful departmental system for dealing with complaints of police misconduct; and
 - E. Failing to discipline officers using excessive force and by covering-up their misconduct, thereby encouraging the use of excessive force by officer in the City of Troy.

30. As a result of the actions of all Defendants as set fourth in this Complaint Plaintiff suffered extreme pain, humiliation, outrage, emotional and

psychological distress, fear, other physical and emotional damage and future damages.

COUNT I-VIOLATION OF 42 USC SEC.1983

31. Plaintiff incorporates by reference Paragraphs 1 through 30 as fully set forth herein.

32. By reason of their acts as set forth in this Complaint the Defendants acted under the color of state law with oppression and malice to subject the Plaintiff to the deprivation of her rights, privileges and immunities secured by the Constitution and laws:

A. Plaintiff's right not to be deprived of life, liberty or property without due process of law, as secured by the 5th and 14th Amendments of the Constitution;

B. Plaintiff's right not to be subject to unreasonable searches and seizures, as provided by the 4th Amendment of the Constitution;

C. Plaintiff's right to be guaranteed equal protection of the laws, as provided by the 14th Amendment to the Constitution;

D. Plaintiffs' right not to be subjected to cruel and unusual punishment, as provided by

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- the 8th Amendment to the Constitution; and
- E. Plaintiff's right to a trial by jury before punishment imposed.

WHEREFORE, Plaintiff respectfully demands judgment against Defendants for their violations of 42 USC SEC. 1983 AND 1985(3) in amount in excess of \$75,000.00 which she is found to be entitled, together with punitive damages, attorney fees under 42 USC sec. 1983 and 1988, costs and interest.

COUNT II - VIOLATION OF 42 USC SEC. 1985(3)

33. Plaintiff incorporates by reference Paragraphs 1 through 32 as fully set forth herein.
34. Defendants committed malicious acts in furtherance of their conspiracy to deprive Plaintiff of her rights to equal protections under the law, and injured her and deprived her the rights and privileges of residence of the United States.
35. All Defendants conspired and committed acts in furtherance of a conspiracy to cover-up police misconduct, depriving Plaintiff of her rights under the Constitution, and their right to bring a civil action for redress of their brutality and torture.
36. Each of the Defendants acted in furtherance of

Muawad & Muawad, P.C.
Attorneys at Law
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Fax (248) 948-1813
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their conspiracy by engaging in one or more of the following acts:

- A. The torture and assault of Plaintiff;
- B. Assisting in the torture and assault of Plaintiff;
- C. Wrongfully accusing the Plaintiff of a crime when no crime was committed;
- D. Wrongfully assaulting and falsely imprisoning the Plaintiff;
- E. Lying in the investigative reports; and
- F. Assisting in the cover-up of the serious police misconduct.

37. Defendants engage in a conspiracy to deprive Plaintiff of her Constitutional rights for the above reasons stated

38. By reason of the conduct set forth in this complaint, Plaintiff suffered extreme pain, outrage, humiliation, emotional and psychological distress and other physical and mental damages.

WHEREFORE, Plaintiff respectfully demands judgment against Defendants for their violations of 42 USC SEC. 1983 AND 1985(3) in amount in excess of \$75,000.00 which she is found to be entitled, together with punitive damages, attorney fees under 42 USC sec. 1983 and 1988, costs and

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interest.

PENDENT STATE CLAIMS

COUNT III-ASSAULT AND BATTERY

39. Plaintiff incorporates by reference Paragraphs 1 through 38 as fully set forth herein.
40. At all relevant times, the Defendant Police Officer acted within the course and scope of his employment with the City of Troy Police Department and with the apparent scope of their agency as agents of the City of Troy Police Department.
41. At all relevant times, the Defendant Employees of Target Corporation acted within the course and scope of their employment with Target Corporation and with the apparent scope of their agency as agents of the Target Corporation.
42. The illegal arrest and assaultive behavior against the Plaintiff constituted assault and battery which was committed without provocation, privilege or justification, and Plaintiff suffered serious injuries and damages as a result of that battery, including, but not limited to, bruises to the chest, face, right shoulder and low back.

WHEREFORE, Plaintiff demands judgment in excess of \$75,000.00 plus costs, interest and attorney fees.

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COUNT IV-FALSE ARREST AND IMPRISONMENT

43. Plaintiff incorporates by reference Paragraphs 1 through 42 as fully set forth herein.
44. Plaintiff was lawfully in the Target Corporation and there was nothing illegal about Plaintiff's conduct on the date and time of the incident.
45. Defendants conduct was a false arrest and imprisonment, which led to the handcuffing and unlawful imprisonment of the Plaintiff.
46. Defendants did not have probable cause to arrest the Plaintiff.
47. Plaintiff was aware of the restraint placed on her liberty.
48. Plaintiff was confined as a result of the false arrest.
49. As a direct and Proximate result of the false arrest and imprisonment upon Plaintiff, Plaintiff suffered injuries and damages contained herein.

WHEREFORE, Plaintiff demands judgment in excess of \$75,000.00 plus costs, interest and attorney fees.

COUNT V-INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

50. Plaintiff incorporates by reference Paragraphs 1 through 49 as fully set forth herein.
51. Defendants' conduct was extreme and outrageous and

Muawad & Muawad, P.C.
Attorneys at Law
19189 West Ten Mile Road
Southfield, MI 48075
(248) 948-1022
Fax (248) 948-1813
E-Mail: muawadpc@netperson.net

recklessly caused severe emotional distress to the Plaintiff.

52. The Defendants' conduct was so outrageous in character and extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

53. The Plaintiff had a right to be free from serious, intentional and unprivileged invasion of mental and emotional tranquility.

WHEREFORE, Plaintiff demands judgment in excess of \$75,000.00 plus costs, interest and attorney fees.

COUNT VI-GROSS NEGLIGENCE, CITY OF TROY

54. Plaintiff incorporates by reference Paragraphs 1 through 53 as fully set forth herein.

55. The damages caused to the Plaintiff were caused by the individual Defendant Officer acting on the behalf of the City of Troy and within the scope of their authority.

56. The individual officer's conduct amounts to "gross negligence" because his conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury or substantial damage would result, and as such the individual Defendant are

not shielded by governmental immunity.

WHEREFORE, Plaintiff demands judgment in excess of \$75,000.00 plus costs, interest and attorney fees.

COUNT VII - NEGLIGENCE AND RESPONDENT SUPERIOR


TARGET CORPORATION

57. Plaintiff incorporates by reference Paragraphs 1 through 56 as fully set forth herein.
58. The damages caused to the Plaintiff were caused by the individual Defendant Security Employees acting on the behalf of the Target Corporation and within the scope of their authority, and employment.
59. The individual employees' conduct amounts to negligence because their conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury or substantial damage would result.
60. Defendant is responsible for the act of it's employees.
61. Defendant is as liable to Plaintiff as its's employees who committed the above stated acts.

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Attorneys at Law
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Fax (248) 948-1813
E-Mail: muawadpc@netperson.net

WHEREFORE, Plaintiff demands judgment in excess of \$75,000.00 plus costs, interest and attorney fees.

Respectfully Submitted

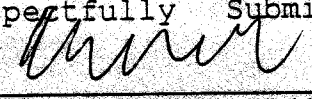
By: 
ELIAS MUAWAD (P41632)
Attorney for Plaintiff
19189 W. Ten Mile Rd.
Southfield, MI 48075
(248) 948-1022

Dated:

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully Submitted

By: 
ELIAS MUAWAD (P41632)
Attorney for Plaintiff
19189 W. Ten Mile Rd.
Southfield, MI 48075
(248) 948-1022

Dated:

Muawad & Muawad, P.C.
Attorneys at Law
19189 West Ten Mile Road
Southfield, MI 48075
(248) 948-1022
Fax (248) 948-1813
E-Mail: muawadpc@netperson.net

August 13, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Building and Zoning Director
Brian Stoutenburg, Library Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder -
Rebuilding the Gazebo at the Museum

RECOMMENDATION

It is recommended that the City Council award a contract to repair the Museum Gazebo to the low bidder – Edrick M. Owen, Inc. 37385 Little Mack, Clinton Township, MI 48036, 810.778.9180 at an estimated total cost of \$28,800.00, contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds, and all specified requirements.

In addition, we are requesting authorization to add or delete work due to unforeseen circumstances, not to exceed 10% of the original project cost.

SUMMARY

On February 27, 2001 the Museum was blown down by high winds. As part of the City Logo and an essential part of the activity of the Museum, it will be rebuilt with a design incorporating additional stability.

Bids for the contract were opened June 29, 2001 with one company responding. The project requires the vendor to furnish all labor, materials, and equipment to construct the Gazebo in accordance with the Contract Documents.

BUDGET

Funds are available to complete this project in the Museum General Capital Account #401804.7975.900. The expenditure from this account will be offset by \$13,670.29 in revenue from the insurance claim.

10 Bids Sent
1 Bid Rec'd
1 No Bid

August 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Director of Purchasing
Steven Vandette, City Engineer

SUBJECT: Standard Resolution 1: Award to Low Bidder – Dennis Powers Drain,
Section 3, Contract 01-10

RECOMMENDATION

The Engineering Department recommends that City Council award a contract for the Dennis Powers Drain to the low bidder – Giannetti Contracting Corp., 6340 Sims Road, Sterling Heights, Michigan 48313 at an estimated total cost of \$2,247,453.50 for the base bid plus alternates No. 2 and 3, contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

In addition, we are requesting authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost.

SUMMARY

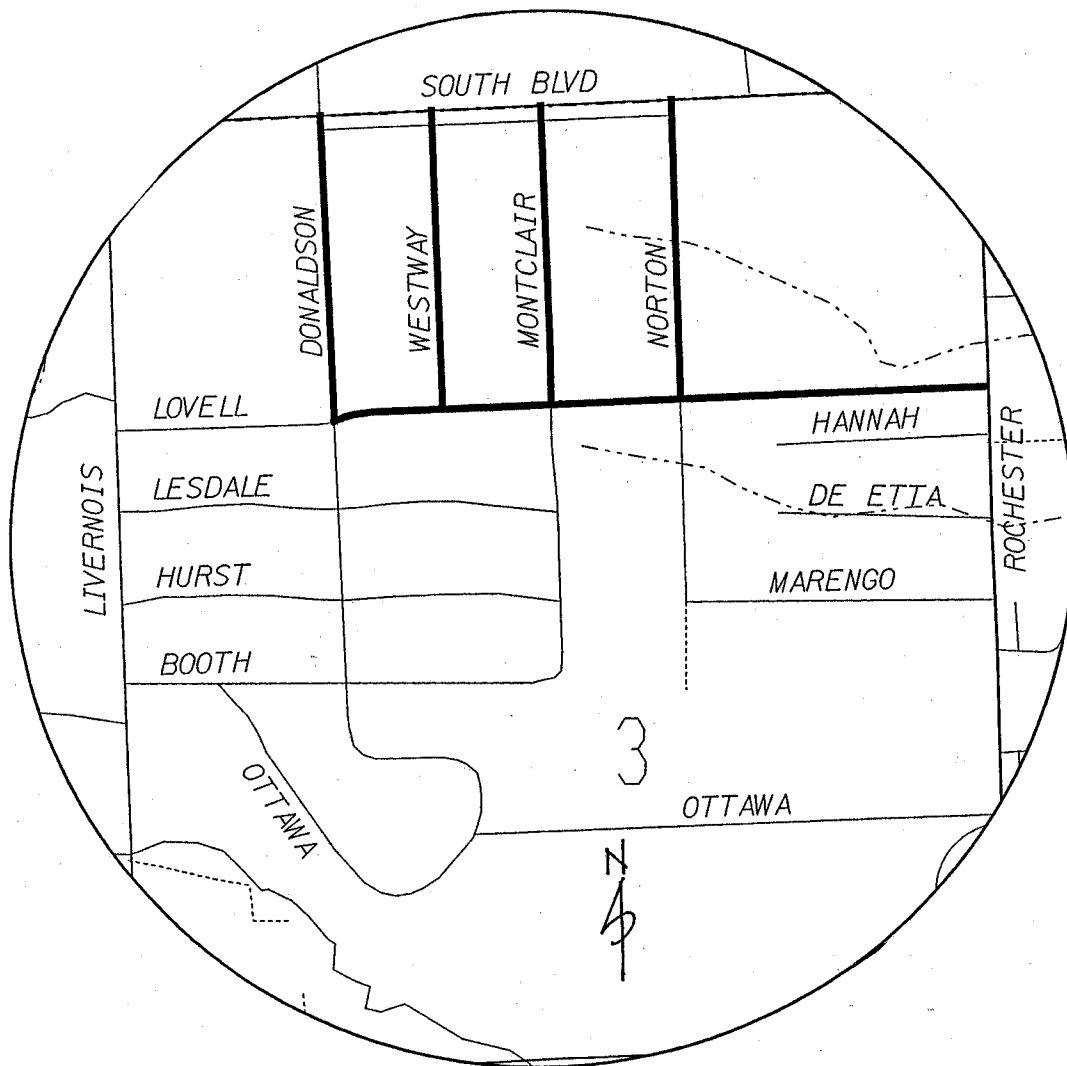
Bids were received and publicly read on August 7, 2001 with six contractors responding. The low bidder was Giannetti Contracting Corp. as can be seen in the attached tabulation of bids. Giannetti Contracting has completed two water main projects for the City during the past two years and they have proven themselves a reliable and capable contractor. The Dennis Powers Drain project includes drainage improvements on Donaldson, Westaway, Montclair, Norton and Lowell streets in Section 3 and bituminous resurfacing of all streets impacted by the construction. The project also includes bituminous paving of Westaway Street and the easterly end of Lovell Street that are currently gravel roads. Staff will be requesting that City Council initiate special assessment projects so that the paving work can be done next spring along with the other streets. If the special assessment paving project fails, the contract with Giannetti includes restoration of these roads with gravel and the paving items would be deleted from the contract. The project is scheduled to begin after Labor Day and be completed in the spring of 2002.

The Honorable Mayor and City Council
August 10, 2001

FUNDING

Funds are available to complete this project in the 2001/02 Sewer Fund, account number 535.7973.994065. Funds for the bituminous overlay portion of this project is included in the 2001/02 Water Fund, account number 555.7972.975045. The budgeted amount includes funds for construction, inspection and contingencies.

19 Bids Sent
6 Bids Rec'd



**DENNIS POWERS DRAIN
PROJECT LOCATION**

N.T.S.

BID TABULATION
DENNIS POWERS DRAIN
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Bids Due: August 7, 2001
HRC Job # 20000578

Giannetti Contracting Corp.
6340 Sims Dr.
Sterling Hgts., MI 48313

L. D-Agostini & Sons, Inc.
15801 23 Mile
Macomb Twp., MI 48042

ADJ Excavating, Inc.
47301 Feathered Ct.
Shelby Twp., MI 48315

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Base Bid							
1. 48" Dia. C-76 CL-IV Storm Sewer Trench Det. B	1113 l.ft.	\$131.45	\$146,303.85	\$155.00	\$172,515.00	\$122.34	\$136,164.42 *
2. 42" Dia. C-76 CL-IV Storm Sewer Trench Det. B	1709 l.ft.	\$121.85	\$208,241.65	\$146.00	\$249,514.00	\$110.78	\$189,323.02 *
3. 36" Dia. C-76 CL-IV Storm Sewer Trench Det. B	674 l.ft.	\$109.70	\$73,937.80	\$116.00	\$78,184.00	\$97.56	\$65,755.44 *
4. 30" Dia. C-76 CL-IV Storm Sewer Trench Det. B	1772 l.ft.	\$94.85	\$168,074.20	\$126.00	\$223,272.00	\$76.53	\$135,611.16 *
5. 27" Dia. C-76 CL-IV Storm Sewer Trench Det. B	650 l.ft.	\$87.70	\$57,005.00	\$77.00	\$50,050.00	\$65.28	\$42,432.00 *
6. 24" Dia. C-76 CL-IV Storm Sewer Trench Det. B	1700 l.ft.	\$80.60	\$137,020.00	\$70.00	\$119,000.00	\$61.74	\$104,958.00 *
7. 21" Dia. C-76 CL-IV Storm Sewer Trench Det. B	700 l.ft.	\$74.80	\$52,360.00	\$65.00	\$45,500.00	\$53.48	\$37,436.00 *
8. 18" Dia. C-76 CL-IV Storm Sewer Trench Det. B	124 l.ft.	\$69.10	\$8,568.40	\$60.00	\$7,440.00	\$53.51	\$6,635.24 *
9. 15" Dia. C-76 CL-IV Storm Sewer Trench Det. B	340 l.ft.	\$66.50	\$22,610.00	\$55.00	\$18,700.00	\$43.46	\$14,776.40 *
10. 12" Dia. C-76 CL-IV Storm Sewer Trench Det. B	2288 l.ft.	\$59.50	\$136,136.00	\$39.00	\$89,232.00	\$34.42	\$78,752.96 *
11. 8" Dia. HDPE Corrugated, Perforated Pipe, w/MDOT 34G Stone Aggregate	13592 l.ft.	\$19.10	\$259,607.20	\$15.30	\$207,957.60	\$24.53	\$333,411.76 *
12. 4' Dia. Catch Basin	62 ea.	\$900.00	\$55,800.00	\$1,000.00	\$62,000.00	\$1,156.18	\$71,683.16 *
13. 2' Dia. Maintenance Basin	98 ea.	\$550.00	\$53,900.00	\$900.00	\$88,200.00	\$708.29	\$69,412.42 *
14. 7' Dia. Manhole	2 ea	\$4,600.00	\$9,200.00	\$3,500.00	\$7,000.00	\$4,189.22	\$8,378.44
15. 6' Dia. Manhole	8 ea.	\$2,910.00	\$23,280.00	\$3,000.00	\$24,000.00	\$3,135.90	\$25,087.20

Giannetti Contracting Corp.
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Sterling Hgts., MI 48313

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47301 Feathered Ct.
Shelby Twp., MI 48315

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Base Bid							
16. 4' Dia. Manhole	28 ea.	\$1,450.00	\$40,600.00	\$1,200.00	\$33,600.00	\$1,356.84	\$37,991.52
17. 8" Diameter Ductile Iron Class 54 Water Main w/ Polywrap (Trench Detail G)	836 l.ft.	\$35.90	\$30,012.40	\$39.00	\$32,604.00	\$39.91	\$33,364.76 *
18. 6" Diameter Ductile Iron Class 54 Water Main w/ Polywrap for Hydrant Extension	8 l.ft.	\$35.00	\$280.00	\$42.00	\$336.00	\$35.10	\$280.80
19. 8" Diameter Gate, Valve in Well	2 ea	\$2,200.00	\$4,400.00	\$2,000.00	\$4,000.00	\$2,050.00	\$4,100.00
20. Fire Hydrant Assembly, Type C or D	2 ea.	\$1,900.00	\$3,800.00	\$2,500.00	\$5,000.00	\$1,900.00	\$3,800.00
21. Connect to Existing 12" Water Main	1 ea.	\$3,100.00	\$3,100.00	\$2,000.00	\$2,000.00	\$3,500.00	\$3,500.00
22. Connect to Existing 8" Water Main	1 ea.	\$1,700.00	\$1,700.00	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00
23. 2" Blow-off Assembly	2 ea.	\$200.00	\$400.00	\$400.00	\$800.00	\$200.00	\$400.00
24. Curb Stop Box	10 ea.	\$200.00	\$2,000.00	\$200.00	\$2,000.00	\$150.00	\$1,500.00
25. Cut and Cap Water Main	1 ea.	\$300.00	\$300.00	\$800.00	\$800.00	\$400.00	\$400.00
26. Relocate Ex. 12" Water Main	2 ea.	\$1,000.00	\$2,000.00	\$3,000.00	\$6,000.00	\$3,500.00	\$7,000.00
27. Relocate Ex. 8" Water Main	2 ea.	\$1,000.00	\$2,000.00	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00
28. Geotextile Silt Fence for Sediment Control, Staked in Place	300 l.ft.	\$1.00	\$300.00	\$3.00	\$900.00	\$1.50	\$450.00
29. 6" Thick 21AA Aggregate Limestone for Roadway and Maintenance of Approaches	12000 tons	\$11.00	\$132,000.00	\$13.25	\$159,000.00	\$12.00	\$144,000.00
30. Additional 2" Thick 21 AA Gravel to restore Lovell and Westway, if not paved	1050 tons	\$11.00	\$11,550.00	\$13.25	\$13,912.50	\$12.00	\$12,600.00
31. 4" Thick Bituminous Mix No. 1100T, 36B for Approaches	200 tons	\$85.00	\$17,000.00	\$70.00	\$14,000.00	\$100.00	\$20,000.00

Giannetti Contracting Corp.
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Shelby Twp., MI 48315

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Base Bid							
32. 3" Thick Bituminous Mix No. 500, 20C for Roadway	3600 tons	\$35.00	\$126,000.00	\$30.00	\$108,000.00	\$55.95	\$201,420.00
33. 1 ½" Thick Bituminous Mix No. 1100T, 20AA Wearing Course for Roadway	1800 tons	\$40.00	\$72,000.00	\$35.00	\$63,000.00	\$59.45	\$107,010.00
34. 6" Uniform Concrete MDOT Grade HE, w/Type 1A Cement for Approaches	400 s.yd.	\$40.00	\$16,000.00	\$37.00	\$14,800.00	\$44.00	\$17,600.00
35. Install New 12" CMP, 14 Gauge	4100 l.ft.	\$20.00	\$82,000.00	\$11.00	\$45,100.00	\$12.50	\$51,250.00
36. Mail Box Posts	50 ea.	\$50.00	\$2,500.00	\$100.00	\$5,000.00	\$50.00	\$2,500.00
37. Remove and Replace 4" Concrete Sidewalk	100 s.ft.	\$4.00	\$400.00	\$4.00	\$400.00	\$5.00	\$500.00
38. Remove Field Basin	10 ea.	\$200.00	\$2,000.00	\$250.00	\$2,500.00	\$250.00	\$2,500.00
39. Watering Sod Areas (1000 gal/unit)	1200 unit	\$1.00	\$1,200.00	\$1.00	\$1,200.00	\$1.00	\$1,200.00
40. Mowing Sod Areas	4 time	\$1.00	\$4.00	\$1,000.00	\$4,000.00	\$500.00	\$2,000.00
41. Remove and Replace 4' High Farm Fence	75 l.ft.	\$1.00	\$75.00	\$15.00	\$1,125.00	\$25.00	\$1,875.00
42. Remove and Replace 9" Concrete Pavement	50 syd.	\$60.00	\$3,000.00	\$50.00	\$2,500.00	\$65.00	\$3,250.00
43. Sylva Cold Patch Material for Temp. Restoration of Pvmnt and Driveways as and if	150 ton	\$1.00	\$150.00	\$45.00	\$6,750.00	\$10.00	\$1,500.00
44. 6" Dia. Sanitary Sewer Lead, PVC, ASTM D-3034, SDR 23.5, if needed	100 l.ft.	\$15.00	\$1,500.00	\$40.00	\$4,000.00	\$100.00	\$10,000.00
45. 1" Dia. Water Service Lead, Type "K" Copper if needed	100 l.ft.	\$15.00	\$1,500.00	\$30.00	\$3,000.00	\$25.00	\$2,500.00
46. 1-1/2" Dia. Water Service Lead, Type "K" Copper if needed	100 l.ft.	\$20.00	\$2,000.00	\$35.00	\$3,500.00	\$30.00	\$3,000.00

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Shelby Twp., MI 48315

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
<u>Base Bid</u>							
47. Reconstruct Drainage Structure	10 ea	\$500.00	\$5,000.00	\$500.00	\$5,000.00	\$525.00	\$5,250.00
48. Install Geotextile Fabric under Catch Basin Cover	10 ea.	\$20.00	\$200.00	\$40.00	\$400.00	\$125.00	\$1,250.00
49. 12" Metal End Section	272 ea.	\$70.00	\$19,040.00	\$65.00	\$17,680.00	\$65.00	\$17,680.00
50. Traffic Maintenance & Control	1 ea	Lump Sum	\$10,000.00	Lump Sum	\$35,000.00	Lump Sum	\$150,000.00
51. Turf Restoration w/4" Topsoil & Class A Sod		Incidental	Incidental	Incidental	Incidental	Incidental	Incidental
52. Potential	37 days	\$1,194.00	\$44,178.00	\$1,194.00	\$44,178.00	\$1,194.00	\$44,178.00
53. 12' Dia. Junction Chamber	1 ea	\$15,000.00	\$15,000.00	\$20,500.00	\$20,500.00	\$15,600.00	\$15,600.00
54. 12" RCP-FES w/Bar Screen	1 ea	\$650.00	\$650.00	\$500.00	\$500.00	\$450.00	\$450.00
55. Remove & Replace Curb & Gutter	150 lft	\$25.00	\$3,750.00	\$25.00	\$3,750.00	\$25.00	\$3,750.00
56. Remove & Replace Guard Rail	50 lft	\$1.00	\$50.00	\$20.00	\$1,000.00	\$70.00	\$3,500.00
57. Tree Removal	1 ea	Lump Sum	\$5,000.00	Lump Sum	\$12,000.00	Lump Sum	\$15,000.00
TOTAL AMOUNT OF BASE BID			\$2,076,683.50 *		\$2,129,900.10 *		\$2,261,467.70 *
<u>Alternate No. 1 (Retention Basin Construction)</u>							
58. Retention Basin Construction		Lump Sum	\$165,100.00	Lump Sum	\$171,000.00	Lump Sum	\$110,000.00
59. Retention Basin Clearing and Grubbing		Lump Sum	\$1,000.00	Lump Sum	\$10,000.00	Lump Sum	\$10,000.00
60. Concrete Cunnette	438 l.f	\$97.50	\$42,705.00	\$80.00	\$35,040.00	\$50.66	\$22,189.08
61. 48" Dia. C-76, CL-IV Storm Sewer Trench Det. B	140 l.f.	\$110.00	\$15,400.00	\$112.00	\$15,680.00	\$122.34	\$17,127.60 *
62. 42" Dia. C-76, CL-IV Storm Sewer Trench Det. B	82 l.f.	\$100.00	\$8,200.00	\$110.00	\$9,020.00	\$110.78	\$9,083.96 *

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47301 Feathered Ct.
Shelby Twp., MI 48315

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
<u>Base Bid</u>							
63. 30" Dia. C-76, CL-IV Storm Sewer Trench Det. B	60 l.f.	\$70.00	\$4,200.00	\$75.00	\$4,500.00	\$76.53	\$4,591.80 *
64. 6' Dia. Manhole	2 ea.	\$2,910.00	\$5,820.00	\$3,000.00	\$6,000.00	\$3,000.00	\$6,000.00
65. 48" RCP-FES w/Bar Screen	1 ea.	\$1,660.00	\$1,660.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00
66. 30" RCP-FES w/Bar Screen	1 ea.	\$760.00	\$760.00	\$1,200.00	\$1,200.00	\$2,650.00	\$2,650.00
67. Sediment Trap	1 ea.	\$1,000.00	\$1,000.00	\$300.00	\$300.00	\$5,000.00	\$5,000.00
SUB TOTAL ALTERANTE#1			\$245,845.00		\$255,240.00		\$189,642.44 *
TOTAL ALTERNATE #1 (INCL. BASE BID)			\$2,322,528.50 *		\$2,385,140.10 *		\$2,451,110.14 *
<u>Alternate No. 2 (By-Pass Retention Basin)</u>							
68. 42" Dia. C-76, CL-IV Storm Sewer Trench Det. B	616 l.f.	\$120.00	\$73,920.00	\$111.00	\$68,376.00	\$110.78	\$68,240.48 *
69. 4' Dia. Manhole	1 ea.	\$2,000.00	\$2,000.00	\$1,200.00	\$1,200.00	\$1,356.84	\$1,356.84
SUB TOTAL ALTERNATE#2			\$75,920.00		\$69,576.00		\$69,597.32 *
TOTAL ALTERNATE #2 (INCL. BASE BID)			\$2,152,603.50 *		\$2,199,476.10 *		\$2,331,065.02 *
<u>Alternate No. 3 (Pave Lovell and Westway)</u>							
70. 3" Thick Bituminous Mix No. 500	1400 tons	\$49.00	\$68,600.00	\$30.00	\$42,000.00	\$55.95	\$78,330.00
71. 1 ½" Thick Bituminous Mix 1100T 20AA Wearing Course for Roadway	700 tons	\$54.00	\$37,800.00	\$35.00	\$24,500.00	\$59.45	\$41,615.00
72. Credit 2"inch thick Additional 21 AA gravel to Restore Lovell Avenue & Westway (item#30 from Base Bid)	1050 tons	\$11.00	(\$11,550.00)	\$13.25	(\$13,912.50)	\$12.00	(\$12,600.00)
SUB TOTAL ALTERANTE#3			\$94,850.00		\$52,587.50		\$107,345.00

Giannetti Contracting Corp.
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15801 23 Mile
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ADJ Excavating, Inc.
47301 Feathered Ct.
Shelby Twp., MI 48315

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
<u>Base Bid</u>							
TOTAL ALTERNATE #3 (INCL. BASE BID)			\$2,171,533.50 *		\$2,182,487.60 *		\$2,368,812.70 *
BID AWARD - Base Bid + Alt. #2 + Alt. #3			\$2,247,453.50		\$2,252,063.60		\$2,438,410.02

* Corrected By Engineer

Additional Bidders:

Dan's Excavating, Inc.	\$2,483,745.00
Pamar Enterprises, Inc.	\$2,659,733.00 *
Lanzo Construction Co.	\$2,838,574.00

ENGINEER:

Hubbell, Roth & Clark, Inc.
555 Hulet Drive
P.O. Box 824
Bloomfield Hills, MI 48083-0824

August 14, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Private Agreement for Rhode Island Road Extension
Project No. 00.960.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer, detention, sanitary sewer, sidewalks and paving as proposed by the developer. This project will not connect Rhode Island to Orpington. Rhode Island will remain a dead end street.

The Owner has provided a Letter of Credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

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CC: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Interim Planning Director
Nino Licari, City Assessor
William Need, Director of Public Works
William Jawlik, Inspector Supervisor
Professional Engineering Associates
Mauro Bianchini

Prepared by: G. Scott Finlay, PE
Civil Engineer

Enclosed: Private Agreement, Detailed Summary, Sketch, and Suggested Resolution

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.960.3

PROJECT LOCATION: SW ¼ SECTION 24

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and A. M. KUSTON BUILT HOMES ^{of West Bloomfield} whose LLC address is 40028 GRAND RIVER STE 350 NOV MI 48375 and whose telephone number is 248-471-1900 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, detention, sanitary sewer, sidewalks and paving in accordance with plans prepared by Professional Engineering Associates whose address is 2430 Rochester Court, Troy, MI 48083 and whose telephone number is (248)689-9090 and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$127,982.00 This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash☐Certificate of Deposit☐Irrevocable Bank Letter of Credit☒Check☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute \$19,135.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees.**

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.960.3

PROJECT LOCATION: SW ¼ SECTION 24

COUNCIL RESOLUTION No.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$147,117.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.960.3PROJECT LOCATION: SW 1/4 SECTION 24

COUNCIL RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 14th day of AUGUST, 2001.

OWNERS

CITY OF TROY

By: AJM Custom Built Homes of West Bloomfield LLC.

By: _____

Please Print or Type ANGELO J. EVANGELISTA

Matt Pryor, Mayor

— N/A —

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 14th day of August, A.D. 2001, before me personally appeared Angelo Joseph Evangelista known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, _____

Cheryl A. Morrell

Michigan

CHERYL A. MORRELL
Notary Public, Oakland County, MI
My Commission Expires May 3, 2005

My commission expires: May 3, 2005

Detailed Summary of Required Escrow Deposits and Cash Fees

Rhode Island Road Extension - Project No. 00.960.3

5 Units – Section 24

The estimated costs of public improvements are:

ESCROW DEPOSITS:

Sanitary Sewers	22,415
Water Mains	20,316
Storm Sewers	26,936
Rear Yard Drains	13,540
Concrete Pavement	20,565
Grading	11,400
Detention Basin	3,000
Soil Erosion Control Measures	1,205
Monuments and Lot Corner Irons	305
Temporary Access Road	1,400
Sidewalks at Detention Basin	900
Deposit for Repair of Damage to Existing Public Streets Used for Access	6,000
TOTAL ESCROW DEPOSITS:	127,982

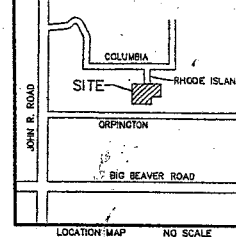
CASH FEES:

SUB3. Water Main Testing and Chlorination:	650
SUB4. Street Name and Traffic Signs:	87
SUB7. Landscaping and Screen Planting of Detention Basin:	5,120
SUB8. Maintenance of Detention Basin:	1,815
SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way	233
SUB10. Soil Erosion and Sedimentation Control Permits:	267
SUB11. Testing Services:	1807
SUB13. Engineering Review and Inspection Fee	7,156
SUB14. Deposit for the Maintenance and Cleaning of Existing Public Streets used for Access:	2,000
TOTAL CASH FEES:	19,135

Storm water detention for this development will be provided by a new detention basin within the development.

NO. WHOLE FAMILY LOTS: 5
EXPECTED NO. OF PEOPLE/LOT: 3.5
TOTAL EXPECTED POPULATION: 18
AVERAGE DAILY FLOW: 100 C.F./DAY
PEAKING FACTOR = 4 (SINCE POPULATION < 500)
AVERAGE FLOW = $18 \times 100 = 1,800 \text{ GAL/DAY}$
 $= 0.0028 \text{ C.F.S.}$
PEAK FLOW = $0.0028 \times 4.00 = 0.0112 \text{ C.F.S.}$
PIPE CAPACITY: 8" DIA. @ 0.408 = 0.78 C.F.S. (>0.0112 C.F.S.)
VELOCITY FLOWING PIPE: 2.20 F.P.S.

1. NO PHYSICAL CONNECTION TO THE EXISTING WATER MAIN CAN BE MADE UNTIL THE NEW WATER MAIN PASSES ALL PRESSURE AND BACTERIOLOGICAL TESTS.
2. REFER TO SANITARY SEWER AND WATER MAIN NOTES ON SHEET 0-5.
3. ALL WATER MAIN SHALL BE CLASS 54 DUCTILE IRON W/ POLYETHYLENE WRAP.
4. REFER TO CITY OF TROY STANDARD NOTES AND DETAILS INCLUDED WITH THIS SET.
5. SEE SANITARY SEWER BASIS OF DESIGN THIS SHEET.
6. ALL HYDRANTS TO BE A MINIMUM OF 5' FROM BACK OF CURB, TYP.

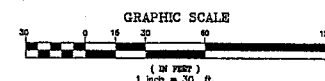


16" STM B/P	637.97
8" 3AN T/P	631.40
12" STM B/P	638.91
8" 3AN T/P	633.16
16" STM B/P	638.64
8" YAM T/P	635.75

[illegible]

EX	RM 641.32 5° INV. E. 628.42 5° INV. W. 622.47 5° INV. N. 630.03	C	RM 643.50 5° INV. S. 631.30
A	RM 641.95 5° INV. S. 631.70 5° INV. NW. 631.60		
B	RM 642.30 5° INV. SE. 631.08 5° INV. N. 632.08		

1. ALL STORM SEWER SHALL BE 8-78, CLV WITH TONGUE & GROOVE JOINTS WITH RUBBER GASKETS UNLESS OTHERWISE NOTED.
2. SEE DWG. NO. C-4 FOR STORM SEWER NOT SHOWN ON THIS DWG.
3. SLUMP PUMP LIDS SHALL BE 3" P.V.C. (A.S.T.M. C-2722) WITH SOLIDIFY CEMENT JOINTS.
4. SEE STORM SEWER NOTES DWG. NO. C-5.
5. REFER TO CITY OF TROY STANDARD NOTES & DETAILS INCLUDED AS PART OF THE CONSTRUCTION SET.
6. REAR YARD DRAIN TILE SHALL BE P.V.C CORRUGATED WITH SMOOTH INTERIOR (ASTM #4848) WITH SLOTTED PERFORATIONS OF 1.60 TO 2.00 SQUARE INCHES PER LINEAL FOOT OF PIPE.
7. 6 INCH P.V.C UNDERDRAIN SHALL BE PERFORATED WITH 3/16 TO 3/8 INCH

[illegible]

CITY OF TROY "ORPINGTON PARKING (JOHN R. TO 2800' EAST)" JOB No. 91.1141 Shl. 2 of 3

NOTE: SANITARY SEWER LEADS
TO BE BACKFILLED WITH SAND
FOR THE ENTIRE LENGTH WITHIN THE R.O.W.

NOTE: ALL 8" SANITARY SEWER SHALL BE
A.B.S. COMPOSITE PIPE ON
CLASS B BEDDING

ALL 8" SEWER LEADS SHALL BE
R.W.C. SOLID WALL PIPE, 200.13

PRINT DATE
MAY 30 2001

ITEMS AND QUANTITIES	
6" CLASS 34 DUCTILE IRON WATER MAIN	6 LF.
6" CLASS 34 DUCTILE IRON WATER MAIN	434 LF.
6" GATE VALVE AND WELL	1 EA.
6" TAPPING SLEEVE VALVE & WELL	1 EA.
6" HYDRANT ASSEMBLY	1 EA.

6" ABS PIPE, (SOR 23.5 PVC)	180 LF.
8" ABS TRUSS PIPE, (SOR 23.5 PVC)	411 LF.
4' DIAMETER MANHOLE	3 EA.

3" SCH-40 PVC	80 LF.
12" RCP C-78-IV STORM	174 LF.
12" PERFORATED PIPE	407 LF.
15" RCP C-78-IV STORM	288 LF.
2" DIAMETER INLET STRUCTURE	2 EA.
3" DIAMETER REAR YARD BASIN STRUCTURE	3 EA.
4" DIAMETER MANHOLE	2 EA.
4" DIAMETER CATCH BASIN STRUCTURE	8 EA.
12" CONCRETE END SECTION	1 EA.
16" CONCRETE END SECTION	1 EA.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED PRACTICES AND STANDARDS OF THE CONSTRUCTION INDUSTRY, THE CONSTRUCTION CONTRACTOR WILL BE RESPONSIBLE FOR THE DESIGN AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE ENTIRE PERIOD OF CONSTRUCTION OF THE PROJECT, INCLUDING THE PERIOD OF CONSTRUCTION OF THE PROPERTY. THAT THIS RESPONSIBILITY SHALL BE APPLIED CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS OR IN ANY MANNER. THE CONTRACTOR FURTHER AGREES TO MAINTAIN THE PROJECT DESIGN PROFESSIONAL MANUALLY FROM ANY AND ALL LIABILITY, INCLUDING IN ANY MANNER, FROM THE PERFORMANCE OF WORK OR THE PROJECT DESIGN AND LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR THE DESIGN AND THE PROJECT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. AND SUBMITTED TO THE CONSTRUCTION CONTRACTOR FOR REVIEW AND CONSIDERATION THAT THEY ARE NOT TO BE USED FOR ANY OTHER PURPOSES, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSES WITHOUT THE PRIOR WRITTEN PERMISSION OF THE DESIGN PROFESSIONAL. THE CONTRACTOR AGREES TO MAINTAIN THE PROJECT DESIGN PROFESSIONAL MANUALLY FROM ANY AND ALL LIABILITY, INCLUDING IN ANY MANNER, FROM THE PERFORMANCE OF WORK OR THE PROJECT DESIGN AND LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR THE DESIGN AND THE PROJECT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC.

2	LAND REVENUE PER ACRE REVENUE COMBINATION	10
3	CARLISLE REVENUE PER CITY OF TROY AGENCY COMBINATION	10
Per City Sec.		

Rhode Island (Continued)

MAURO BIANCHINI

2816 CENTINENTAL
TROY, MICHIGAN 48063

UTILITY PLAN

RHODE ISLAND ROAD EXTENSION

"BIG BEAVER POULTRY FARMS" (L. 23, P. 14 O.C.R.)
CITY OF TROY, DARLINGTON COUNTY, MICHIGAN

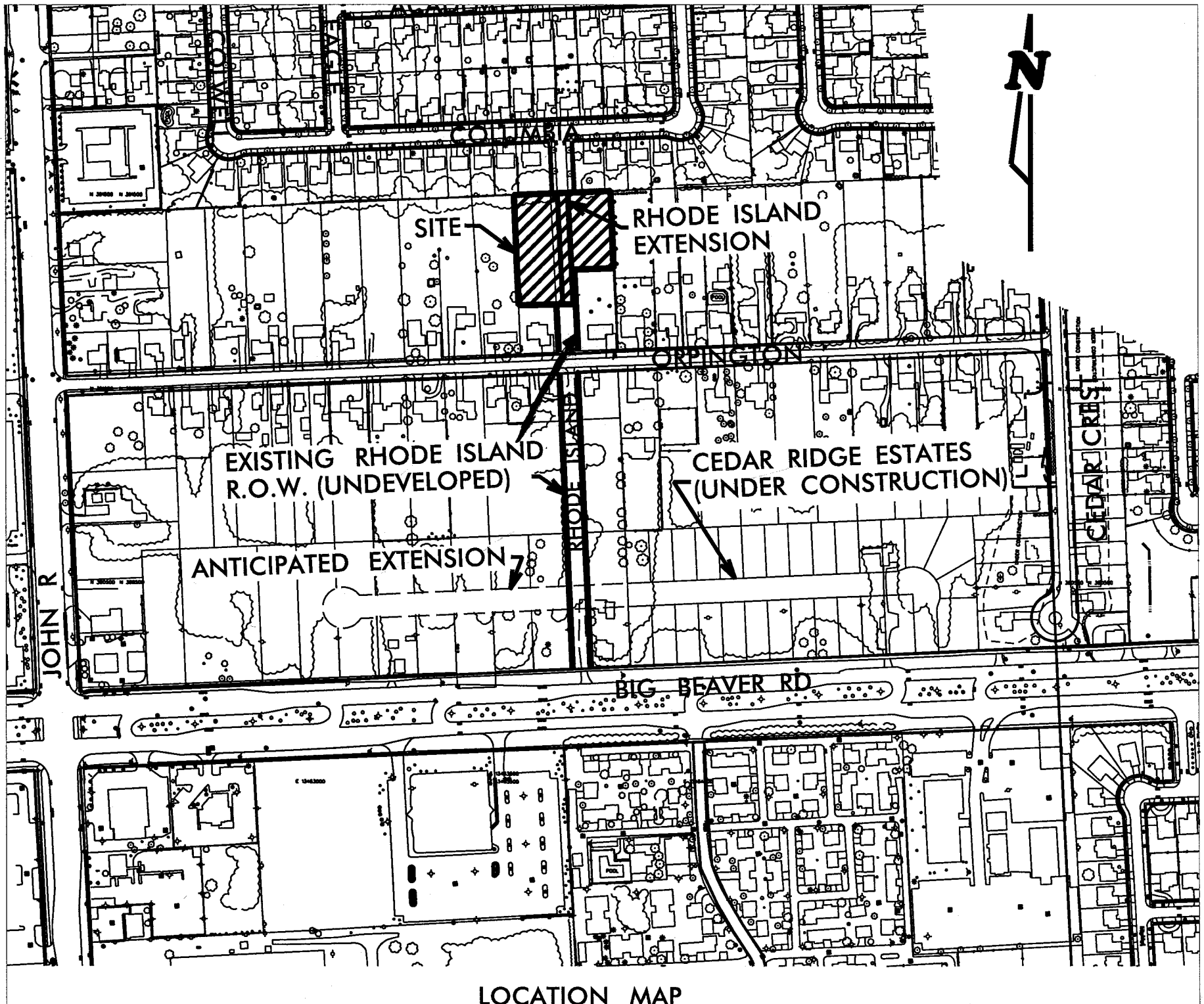


PAE
PROFESSIONAL
ENGINEERING
ASSOCIATES

2430 Rochester Ct. Suite 1
Troy, MI 48063-1872

CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



LOCATION MAP

August 13, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder-
Tee Shirt Contract

RECOMMENDATION

The Parks and Recreation Department recommends that City Council award a one-year contract for various types of Tee Shirts with an option to renew for one additional year to the low bidder, Metro Printing Service, 1219 E. Lincoln, Royal Oak, MI 48067, 248-545-4444, at an estimated total cost of \$18,778.15, at unit prices contained in the attached bid tabulation opened August 1, 2001. The award includes 50/50 tee shirts with printing, 100% cotton tee shirts with printing, and 100% cotton tee shirts without printing.

SUMMARY

Bids for this contract were opened on August 1, 2001, with six companies submitting completed bids. Tip Top Tees was not considered for award because the company failed to submit a \$500 deposit, which was required with their bid.

This bid is for one year commencing October 1, 2001 and ending September 30, 2002. There is an option to renew for one additional year.

Item 1 is 4900 50/50 cotton/polyester tee shirts with a one-color screen. Approximately 1900 shirts have digits on the back.

Item 2 are 330 100% cotton award tee shirts with a two-color screen.

Item 3 are 825 100% cotton award tee shirts with no screen.

BUDGET

Funds are available to complete this purchase in the Parks and Recreation Summer and Winter Program Accounts.

92 Bids Sent
12 Bids Rec'd
6 No Bids
1 Bid did not meet specifications

Prepared by: Barb Rupas, Recreation Supervisor

Opening Date -- 8/1/01
Date Prepared -- 8/7/01

CITY OF TROY
BID TABULATION
COTTON & 50/50 TEE SHIRTS

SBP 01-31
Pg. 1 of 4

VENDOR NAME:		**	METRO	ALL	A PLUS	USA
			PRINTING	STAR	PRINTING	PATCH CO
			SERVICE	GRAPHICS		
CHECK #			20137691	ON FILE	3693362364	581658630
CHECK AMOUNT			\$500.00	\$500.00	\$500.00	\$500.00
EST		PRICE/	PRICE/	PRICE/	PRICE/	
QTY	DESCRIPTION	EACH	EACH	EACH	EACH	
ITEM #1-- 50/50 Short Sleeve Shirts						
(50% Cotton & 50% Polyester)						
REQUIREMENTS: October 1, 2001 - September 30, 2002						
2200	Youth - Small, Med, Large	\$ 2.69	\$ 2.82	\$ 3.18	\$ 3.28	
2400	Adult - Small, Med, Large, Xlarge	\$ 3.07	\$ 3.23	\$ 3.76	\$ 3.68	
300	Adult - XXL Large	\$ 4.29	\$ 4.47	\$ 5.15	\$ 4.68	
1500	Single Digit	\$ 0.27	\$ 0.23	\$ 0.40	\$ 0.50	
400	Double Digit	\$ 0.27	\$ 0.33	\$ 0.80	\$ 1.00	
QUOTING ON STYLE:		50/50 COTTON	50/50 FOL 5930	BEST 50/50	5930 BEST	
MANUFACTURED BY:		SCREEN STAR/GILDAN	FOL/GILDAN	FOL	FOL	
COLORS AVAILABLE: (Minimum 12 + 2 Fluorescent)		12 COLORS	19 COLORS	12 COLORS	13 COLORS	
		2 FLUORESCENT	4 FLUORESCENT	NO FLUORESCENT	2 FLUORESCENT	
			+\$1.43 FOR			
			FLUORESCENT			
ESTIMATED TOTAL (ITEM#1):		\$ 15,086.00	\$ 15,774.00	\$ 18,485.00	\$ 18,602.00	
ITEM #2 -- 100% Cotton - Short Sleeve Shirts (Imprinting)						
REQUIREMENTS: October 1, 2001 - September 30, 2002						
300	Adult - Med, Large, Xlarge	\$ 4.17	\$ 10.14	NO BID	\$ 4.57	
30	Adult - XXL Large	\$ 5.38	\$ 11.35	NO BID	\$ 5.57	
QUOTING ON STYLE:		COTTON CREW	FOL 3930	NO BID	3930 HEAVY	
MANUFACTURED BY:		Fruit of the Loom	Fruit of the Loom	Fruit of the Loom	Fruit of the Loom	
COLORS AVAILABLE: (Minimum 6)		6 COLORS	18 COLORS	NO BID	6 COLORS	
ESTIMATED TOTAL (ITEM#2):		\$ 1,412.40	\$ 3,382.50	NO BID	\$ 1,538.10	
ITEM #3 -- 100% Cotton - Short Sleeve Shirts (No Imprinting)						
REQUIREMENTS: October 1, 2001 - September 30, 2002						
700	Adult - Med, Large, Xlarge	\$ 2.58	\$ 2.75	NO BID	\$ 3.27	
125	Adult - XXL Large	\$ 3.79	\$ 4.06	NO BID	\$ 4.27	
QUOTING ON STYLE:		COTTON CREW	3930	NO BID	3930 HEAVY	
MANUFACTURED BY:		Fruit of the Loom	Fruit of the Loom	Fruit of the Loom	Fruit of the Loom	
COLORS AVAILABLE: (Minimum 6)		6 COLORS	18 COLORS	NO BID	6 COLORS	
ESTIMATED TOTAL (ITEM#3):		\$ 2,279.75	\$ 2,432.50	NO BID	\$ 2,822.75	
GRAND TOTAL ALL ITEMS:		** \$ 18,778.15	\$ 21,589.00	N/A	\$ 22,962.85	

Opening Date -- 8/1/01
Date Prepared -- 8/7/01

BID TABULATION
COTTON & 50/50 TEE SHIRTS

Pg. 2 of 4

VENDOR NAME:			**	METRO	ALL	A PLUS	USA
				PRINTING	STAR	PRINTING	PATCH CO
				SERVICES	GRAPHICS		
EST			PRICE/	PRICE/	PRICE/	PRICE/	
QTY	DESCRIPTION		EACH	EACH	EACH	EACH	
	SAMPLES INCLUDED	Y-Yes or N - No	NO	YES	NO	NO	
	TERMS		NET 30 DAYS	NET 30	NET 10	NET 30	
	DELIVERY		2 WEEKS	10 DAYS	AS REQUIRED	2 WEEKS	
	WARRANTY		N/A	IMPRINT/DELIVERY	BLANK	1 YEAR	
	EXCEPTIONS		FLUORESCENT SHIRTS	LISTED	BLANK	LISTED	
			MFG BY GILDAN;	IN BID		IN BID	
			SCREEN STAR				
			DOES NOT HAVE				
			FLUORESCENT				

DMS:

Tip Top Tees - Reason: No Check

**** DENOTES LOW TOTAL BIDDER**

NO BID

Krystal Marketing Inc
AB Emblems & Caps
Broner & Kraut
Gemini Systems
Park Athletic Supply
ATD American Company

ATTEST:

Flo Opatik
Barb Rupas
Linda Bockstanz

Opening Date -- 8/1/01
Date Prepared -- 8/7/01

CITY OF TROY
BID TABULATION
COTTON & 50/50 TEE SHIRTS

SBP 01-31
Pg. 3 of 4

VENDOR NAME:		NORTH			
		STAR GRAPHIC			
		GROUP LLC			
CHECK #		040201658			
CHECK AMOUNT		\$500.00			
EST		PRICE/			
QTY	DESCRIPTION	EACH			
ITEM #1-- 50/50 Short Sleeve Shirts		\$30.00 SET-UP FEE FOR EACH LOGO			
(50% Cotton & 50% Polyester)					
REQUIREMENTS: October 1, 2001 - September 30, 2002					
2200	Youth - Small, Med, Large	\$ 3.80			
2400	Adult - Small, Med, Large, Xlarge	\$ 4.00			
300	Adult - XXL Large	\$ 4.80			
1500	Single Digit	\$ 2,780.00	(\$1.85)		
400	Double Digit	\$ 800.00	(\$2.00)		
QUOTING ON STYLE:		BEST CREW STYLE			
MANUFACTURED BY:		FOL			
COLORS AVAILABLE: (Minimum 12 + 2 Fluorescent)		7 COLORS			
		NO FLUORESCENT			
ESTIMATED TOTAL (ITEM#1):		\$ 22,980.00			
ITEM #2 -- 100% Cotton - Short Sleeve Shirts (Imprinting)		\$60.00 SET-UP FEE FOR EACH LOGO			
REQUIREMENTS: October 1, 2001 - September 30, 2002					
300	Adult - Med, Large, Xlarge	\$ 5.20			
30	Adult - XXL Large	\$ 8.65			
QUOTING ON STYLE:		3930 STYLE			
MANUFACTURED BY:		Fruit of the Loom			
COLORS AVAILABLE: (Minimum 6)		5 COLORS			
ESTIMATED TOTAL (ITEM#2):		\$ 1,819.50			
ITEM #3 -- 100% Cotton - Short Sleeve Shirts (No Imprinting)					
REQUIREMENTS: October 1, 2001 - September 30, 2002					
700	Adult - Med, Large, Xlarge	\$ 3.15			
125	Adult - XXL Large	\$ 6.95			
QUOTING ON STYLE:		3930 CREW			
MANUFACTURED BY:		Fruit of the Loom			
COLORS AVAILABLE: (Minimum 6)		5 COLORS			
ESTIMATED TOTAL (ITEM#3):		\$ 3,073.75			
GRAND TOTAL ALL ITEMS:		\$ 27,873.25			

Opening Date -- 8/1/01

CITY OF TROY
BID TABULATION

SBP 01-31
Pg. 4 of 4

Date Prepared -- 8/7/01

COTTON & 50/50 TEE SHIRTS

VENDOR NAME:

NORTH			
STAR GRAPHIC			
GROUP LLC			

EST QTY	DESCRIPTION	PRICE/ EACH			
	SAMPLES INCLUDED	Y-Yes or N - No	NO		
	TERMS		NET 30 DAYS		
	DELIVERY		8-12 DAYS		
	WARRANTY		BLANK		
	EXCEPTIONS		ARTWORK DISK		
			MUST BE		
			PROVIDED		

PROPOSAL-- One Year Requirements of Tee Shirts (Various Types) with an Option to Renew for One Additional Year

Jeanette Bennett
Purchasing Director

A B EMBLEMS & CAPS
P O BOX 695
WEAVERVILLE NC 28787

A J ENTERPRISES
28511 ORCHARD LAKE ROAD STE E
FARMINGTON HILLS MI 48334

AD LIB SCREEN PRINT
9143 DEL RIO DRIVE
GRAND BLANC MI 48439-8384

ADDIS MARKETING
5097 WILLIAMS LAKE
WATERFORD MI 48329

ADVANCE PRINTWEAR
31191 STEPHENSON HWY
MADISON HEIGHTS MI 48071

ADVANTAGE EMBLEM INC
108688 AVENUE W
DULUTH MN 55808

AFM SCREEN PRINTING & EMBROIDERY
7818 ANDERSONVILLE ROAD
CLARKSTON MI 48346

ALL STAR GRAPHICS
12669 MARSH ROAD
SHELBYVILLE MI 49344

ALLIE BROTHERS INC
20295 MIDDLEBELT
LIVONIA MI 48152

AMERICAN SILKSCREEN & EMBROIDERY
24601 HALLWOOD CT
FARMINGTON HILLS MI 48335

A-PLUS PRINTING
25407 JOHN R
MADISON HEIGHTS MI 48071

ARTWEAR
34164 WOODWARD
BIRMINGHAM MI 48009

ATD-AMERICAN COMPANY
135 GREENWOOD AVENUE
WYNCOTE PA 19095-1396

ATHLETIC SUPPORTER LTD
24601 HALLWOOD COURT
FARMINGTON HILLS MI 48335

ATHLETIC UNIFORM LETTERING CO
26114 W 6 MILE ROAD
REDFORD MI 48240

ATTN SHELLY WILLIAMS
COUSINS SCREEN PRINTING
135 CLIVE
WATERFORD MI 48328

AUSTIN INC.
1288 HOLDEN
MILFORD MI 48381

B C CLOTHING
175 S SAGINAW
PONTIAC MI 48342

BAM WEARABLES INC
28035 SOUTHFIELD ROAD #201
LATHRUP VILLAGE MI 48076

BAVARIAN VILLAGE CORPORATE HEADQUARTERS
1985 RING DRIVE
TROY MI 48083

BRAZOS SPORTSWEAR
2765 BUCKNER ROAD
LAKE ORION MI 48362

CADILLAC OVERALL SUPPLY COMPANY
6401 E DAVISON
DETROIT MI 48212

CAROL L FOREMAN & ASSOCIATES
1229 W WINDEMERE
ROYAL OAK MI 48073

COACH'S CORNER
5217 DIXIE HWY
WATERFORD MI 48329

CREATIVE CONCEPTS
1501 HALO DRIVE
TROY MI 48084

CREATIVE SCREEN STUDIOS
1818 LARCHWOOD
TROY MI 48083-2225

CUDA UNIFORM INC
6063 SCHAEFER ROAD
DEARBORN MI 48126

DBT AWARDS & GRAPHICS
253 E MILWAUKEE
DETROIT MI 48202

DEES SPORT SHOP
29456 GRATIOT AVE
ROSEVILLE MI 48066

DETROIT TROPHY SPORTSPRINT
4160 WOODWARD
DETROIT MI 48201

DOUGLAS "THE TAILOR"
28561 GRATIOT
ROSEVILLE MI 48066

D'S TEES
7615 HIGHLAND ROAD
WATERFORD MI 48327

E & A GRAPHICS
44002 PHOENIX
STERLING HEIGHTS MI 48314

EBY MEDIA CORPORATION
7685 BITTERBUSH
CLARKSTON MI 48348

ENGAN-TOOLEY-DOYLE & ASSOCIATES INC
P O BOX 829
OKEMOS MI 48805-0829

ETHNIC ARTWORK INC
44002 PHOENIX DRIVE
STERLING HEIGHTS MI 48314

EVECAL GIFTS
23620 BEECH ROAD
SOUTHFIELD MI 48034-3484

EXCELLENT POLICE EQUIPMENT
52968 VAN DYKE
SHELBY TWP MI 48316-3548

FUTURISTIC ARTWEAR INC
1934 AUSTIN
TROY MI 48083

GEMINI FORMS & SYSTEMS INC
1902 ROCHESTER INDUSTRIAL
ROCHESTER HILLS MI 48309

GNIEWEKS TROPHIES INC
21925 MICHIGAN AVENUE
DEARBORN MI 48124

GRAPHMARK SERVICES
18 1/2 SOUTH MAIN STREET
CLARKSTON MI 48346

GREAT LAKES EMBROIDERY
1195 ROCHESTER ROAD SUITE H
TROY MI 48083

GSI INC
1409 SHAKER
TROY MI 48083

G-TEK PROFESSIONAL SERVICES INC
42830 MOUND ROAD
STERLING HEIGHTS MI 48315

HALO CREATIVE CONCEPTS IN MARKETING
1501 HALO DRIVE
TROY MI 48084

HARWOOD UNIFORMS
908 W HURON
WATERFORD MI 48328

J & D UNIFORMS INC
3711 TEN MILE ROAD
WARREN MI 48091

J P SPORTS
P O BOX 210636
MONTGOMERY AL 36121

JOHNNY MAC'S SPORTING GOODS
29600 NORTHWESTERN #104
SOUTHFIELD MI 48034

JO'LAINÉ ENTERPRISES
2880 TEWKSBURY
TROY MI 48098

KATHY NIEDZWIECKI
144 LEETONIA
TROY MI 48085

KEL GRAPHICS
110 W RIVER STREET
CADILLAC MI 49601

KRYSTAL MARKETING INC
1120 E LONG LAKE RD STE 200
TROY MI 48098

LIFE STYLES MARKETING INC
18450 FOX
REDFORD MI 48240

LOGO OUTFITTERS
5373 CROOKS ROAD
TROY MI 48098

MACKELLAR ASSOCIATES INC/BURRO GRAPHICS
1804 STAR-BATT
ROCHESTER HILLS MI 48309

MCNISH'S SPORTING GOODS & TROPHY
44480 GRAND RIVER
NOVI MI 48375

METRO PRINTING SERVICE INC
1219 E LINCOLN
ROYAL OAK MI 48067

METROPOLITAN UNIFORM COMPANY
455 MACOMB
DETROIT MI 48226-2383

MR EMBLEM
2596 WOODVILLE ROAD
TOLEDO MI 43619

NORTH STAR GRAPHICS GROUP LLC
39095 LAKESHORE DRIVE
HARRISON TWP MI 48045

OFFICIAL SPORTS CENTER
P O BOX 1070
BLOOMFIELD HILLS MI 48303-1070

OVISCO SPORTSWEAR INC
800 GRAND LAKE ROAD
CELINA OH 45822

PARK ATHLETIC SUPPLY
6809 ROOSEVELT
ALLEN PARK MI 48101

PORTER WALLACE CORP/GARY BRILL
135 W 29TH STREET
NEW YORK NY 10001

PRIMO SCREEN PRINTING
1304 UNIVERSITY
PONTIAC MI 48342

QUALITY GRAPHIC SERVICE
11750 15 MILE ROAD
STERLING HEIGHTS MI 48312

QUALITY TIME RECREATION
5100 AUTUMN LANE
NORTH STREET MI 48049

R C SPORTS
335 W WALTON
PONTIAC MI 48340

SELLING EDGE INC
214 W 29TH STREET SUITE 1401
NEW YORK NY 10001

SOCCER NOMADS
5647 W 13 MILE ROAD
WARREN MI 48092

SPANKY'S SPORTS APPAREL
42361 MAYHEW
STERLING HEIGHTS MI 48313

SPEEDY TEES
33923 WOODWARD
BIRMINGHAM MI 48009

SPORTMASTER
P O BOX 5000
PITTSBURGH PA 15206

STEPPIN OUT
1545 SHORELINE DRIVE
HARTLAND MI 48353

STERLING PROMOTIONS CO
8853 BROUGHAM DR #100
STERLING HEIGHTS MI 48312

STITCH IN TIME INC
2200 CAMEO DR
TROY MI 48098-2460

STITCH MASTERS
369 SUSSEX FAIR
ROCHESTER HILLS MI 48309

SUPERIOR GRAPHICS
22092 DONALD AVE
EAST POINTE MI 48021-0243

SUPERIOR UNIFORM SALES INC
909 PHILLIPS AVENUE
TOLEDO OH 43612

TEC ENTERPRISE
1018 DREON
CLAWSON MI 48017

THE IMPRESSION CENTER
1429 ROCHESTER RD
TROY MI 48083

TODAY'S UNIFORMS
2116 WAYWARD DRIVE
ROCHESTER HILLS MI 48309

TOOL SPORT AND SIGN COMPANY
P O BOX 221
ORTONVILLE MI 48462

US SUPPLY DBA BACK OF THE NET
2315 LAURELBROOK STREET
RALEIGH NC 27604

USA PATCH COMPANY
P O BOX 704
NORTH HAVEN CT 06473

VATEX AMERICA
P O BOX 5247
2395 HERMITAGE ROAD
RICHMOND VA 23220

WITTEK GOLF RANGE SUPPLY CO INC
3650 AVONDALE AVENUE
CHICAGO IL 60618

August 13, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Warranty Deed
Westwood Park Subdivision Detention Basin Parcel
Sidwell #88-20-21-278-020

Attached is a copy of a Warranty Deed from Gulf Livernois Inc. to the City of Troy for the Storm Water Detention Site of Westwood Park Subdivision. It has been our practice to accept deeds for detention basin parcels when the City will be responsible for maintenance, and when a maintenance deposit has been provided in conjunction with development of the subdivision.

The City Engineer has approved the detention basin construction and the plat of Westwood Park Subdivision has been recorded at the Oakland County Register of Deeds Office. The Public Works Director has also reviewed and approved this detention basin parcel. Therefore, we recommend that City Council accept the attached Warranty Deed from Gulf Livernois Inc.

cc: Steven J. Vandette, City Engineer
William Need, Public Works Director

Att.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That GULF LIVERNOIS INC., a Michigan corporation, of 2038 West Big Beaver Road, Suite 200, Troy, Michigan 48084 ("Grantor"), hereby conveys and warrants to THE CITY OF TROY, a Michigan municipal corporation, of 500 West Big Beaver Road, Troy, Michigan 48084 ("Grantee"), the following premises situated in the City of Troy, Oakland County, Michigan described as follows:

Part of the Northeast 1/4 of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, also Lots 1 and 2 of "Supervisor's Plat No. 26", part of the East 1/2 of the East 1/2 of Section 21 and part of the Northwest 1/4 of the Southwest 1/4 of Section 22, Town 2 North, Range 11 East, Troy Township (now City of Troy), Oakland County, Michigan, according to the plat thereof as recorded in Liber 57 of Plats, Page 59, Oakland County Records, being more particularly described as follows: Commencing at the East 1/4 corner of said Section 21; thence South 01 degrees 20 minutes 46 seconds West, 228.30 feet along the East line of said Section 21, being also the centerline of Livernois Road (106.00 feet wide); thence North 88 degrees 53 minutes 42 seconds West, 60.00 feet to the point of beginning; thence North 88 degrees 53 minutes 42 seconds West, 87.12 feet; thence North 01 degrees 06 minutes 18 seconds East, 85.02 feet; thence North 44 degrees 35 minutes 33 seconds West, 94.27 feet; thence 56.00 feet along the arc of a curve to the left (radius 60.00 feet, central angle 53 degrees 28 minutes 20 seconds, chord bears North 01 degrees 24 minutes 17 seconds West, 53.99 feet); thence South 88 degrees 42 minutes 15 seconds East, 157.81 feet; thence South 01 degrees 20 minutes 46 seconds West, 204.27 feet to the point of beginning;

for the sum of One and 00/100 (\$1.00) Dollar, subject to easements and restrictions of record, and further subject to a reservation on the part of Grantor, for itself and for the Westwood Park Homeowners Association, a Michigan nonprofit corporation, of the right to maintain and replace the fence and landscaping located around or within the above-described Property, in the event

Dated as of the 23rd day of June, 2000.

George J. Mager, Jr.
Judy Kennedy

3515/09/DeedRetenB

SKETCH OF EXHIBIT "A"

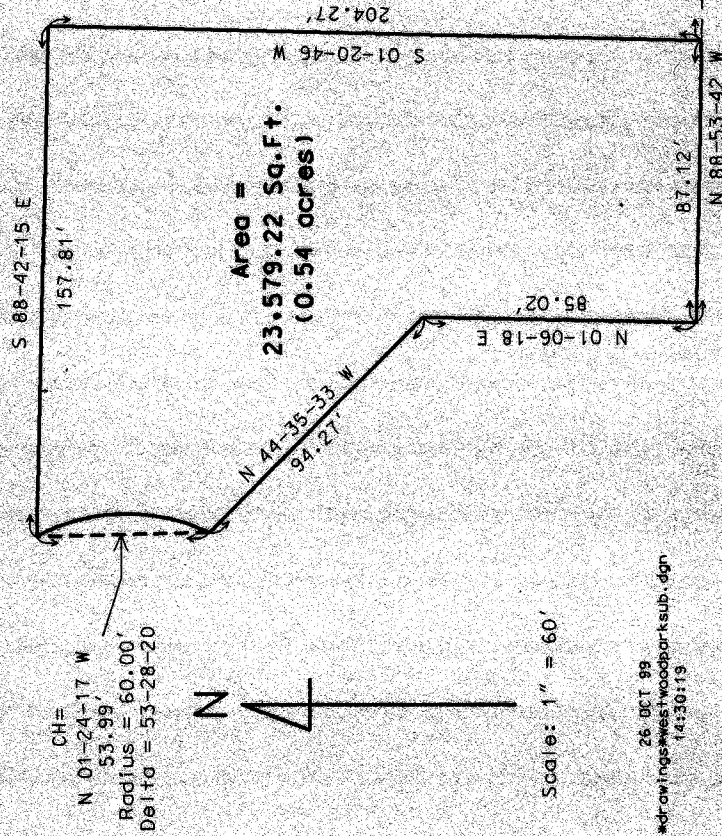
Westwood Park Subdivision
Storm Water Detention Site

East 1/4 Corner
Section 21
T2N-R11E

Wattles

Livermois

Big Beaver



26 OCT 99
h:\drawings\westwoodparksub.dgn
14:30:13

Prepared By:
George J. Ballard III
Land Surveyor

August 15, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Mary Redden, Office Coordinator

SUBJECT: 2001 Membership Dues to The United States Conference of Mayors

Mayor Pryor has recommended that the City of Troy become a member of The United States Conference of Mayors. The annual dues for Troy are \$2,294.00.



THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE (202) 293-7330
FAX (202) 293-2352
TDD (202) 293-9445
URL: www.usmayors.org

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Mayor of Minneapolis
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Mayor of Cedar Rapids
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PATRICK HENRY HAYS
Mayor of North Little Rock
SHARPE JAMES
Mayor of Newark, NJ
WILLIAM A. JOHNSON, JR.
Mayor of Rochester, NY
PATRICK J. McMANUS
Mayor of Lynn
RITA L. MULLINS
Mayor of Palatine
MEYERA E. OBERNDORF
Mayor of Virginia Beach
BEVERLY O'NEILL
Mayor of Long Beach
DONALD L. PLUSQUELLIC
Mayor of Akron
M. SUSAN SAVAGE
Mayor of Tulsa
DAVID W. SMITH
Mayor of Newark, CA

Advisory Board:
JAMES A. GARNER, Chair
Mayor of Hempstead
KENNETH L. BARR
Mayor of Fort Worth
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Mayor of Elizabeth
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Mayor of Irvington
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Mayor of Houston
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Mayor of San Francisco
VINCENT A. CIANCI, JR.
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PETER A. CLAVELLE
Mayor of Burlington
NORMAN COLEMAN
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ELIZABETH G. FLORES
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JOSEPH P. GANIM
Mayor of Bridgeport
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Mayor of Reno
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ELIZABETH B. KAUTZ
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Mayor of Wichita
DANNEL P. MALLOY
Mayor of Stamford
PATRICK McCORRY
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DAVID W. MOORE
Mayor of Beaumont
GUS MORRISON
Mayor of Fremont, CA
ARLENE J. MULDER
Mayor of Arlington Heights
DOUGLAS H. PALMER
Mayor of Trenton
BART PETERSON
Mayor of Indianapolis
BILL PURCELL
Mayor of Nashville
JOHN F. STREET
Mayor of Philadelphia
BOB YOUNG
Mayor of Augusta, GA
SHELIA YOUNG
Mayor of San Leandro

Executive Director:
J. THOMAS COCHRAN

July 16 2001

The Honorable Matt Pryor
Mayor of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mayor Pryor:

Thank you for attending the Annual Meeting of The United States Conference of Mayors in Detroit, MI, June 22-26, 2001. I enjoyed meeting you and hope that you found the conference productive and informative. As I indicated then, I am enclosing informational materials on the benefits of membership in the Conference, as well as an invoice.

When your city becomes a full member of the Conference of Mayors, you as its representative will be entitled to vote on policy, as well as enjoy preference in the seating areas during the important discussions. Our next national meeting, called the Winter Meeting will be January 23-25, in Washington, D. C. I look forward to welcoming you as a new member.

Please feel free to call me at 202-861-6702 if you have any questions.

Sincerely,

Debra DeHaney-Howard
Director, Membership Services



THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
(202) 293-7330

DESCRIPTION	AMOUNT DUE
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Employer ID # 53-0196642

■ The Honorable Matt Pryor
Mayor of Troy
500 W. Big Beaver
Troy, MI 48084

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BOARDS AND COMMITTEES VACANCIES

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

Advisory Committee for Persons with Disabilities

Appointed by Council (9) - 3 years

Term Expires 7-01-2002 (Student)

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS	TERM EXPIRES
689-9098	Mary Ann Butler (Alternate)	1060 Glaser, 98	Nov. 1, 2003
649-3542 248-816-1900B	Sharon M. Connelly	1638 Martinique, 84	Nov. 1, 2002
248-526-3088B	Philip D'Anna	5149 Westmoreland, 98	Nov. 1, 2001
689-1457	Angela Done	2304 Academy, 83	Nov. 1, 2002
740-8983	Nancy Johnson	1461 Lamb, 98	Nov. 1, 2003
813-9575 258-2500B	Leonard Bertin	5353 Rochester, 98	Nov. 1, 2002
641-7764 313-496-2686B	Dick Kuschinsky	5968 Whitfield, 98	Nov. 1, 2001
680-1233	Theodora House	301 Belhaven, 98	Nov. 1, 2003
952-0484	Jerry Ong (Student)	1903 Fleetwood, 98	July 1, 2001
528-3133 248-696-2140B	Nancy Sura, Ch	1436 Welling, 98	Nov. 1, 2001
740-1231	Shreyas Patel (Student)	43 Crestfield, 98	July 1, 2001
641-9538	John J. Rogers	5925 Whitfield, 98	Nov. 1, 2003
362-0671	Cynthia Buchanan (Alternate)	840 Huntsford, 84	Nov. 1, 2003
680-0325	Kul B. Gauri (Alternate)	5305 Greendale, 98	Nov. 1, 2003

CATV Advisory Committee

Appointed by Council (7) - 3 years

Term expires 7-01-2002 (Student)

Term expires 2-28-2004

	NAME	ADDRESS (Voters)	TERM EXPIRES
689-8176	Alex Bennett	1065 Arthur, 83	Sept. 30, 2003
879-8657	Jerry L. Bixby	6228 Crooks, 98	Feb. 28, 2003
689-3430	Michael J Farrug	6781 Little Creek Ct., 98	Nov. 30, 2002
689-2528	Richard Hughes	1321 Roger Ct., 83	Feb. 28, 2003
952-5122	Kyleen Krstich (Student)	2033 Sundew, 98	July 01, 2001
643-8250	Frank Smith (Resigned)	2020 Dorchester #103, 84	Feb. 28, 2004
879-0793	W. Kent Voigt	2620 Coral, 98	Feb. 28, 2004
649-6578	Bryan H. Wehrung	3860 Edgemont, 84	Feb. 28, 2002

Mr. Smith has resigned and moved from Troy.

Civil Service Commission (Act 78)

1 – Mayor, 1 – Police and Fire Depts, 1 – Civil Service

Appointed by Council (3)-6 years

Term expires 4-30-2002

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-9308 H 734-525-4452 W	David C. Cannon	3339 Medford, 84 (Mayor)	Apr. 30, 2006
643-6002	Donald E. McGinnis, Jr Ch.	1721 Crooks, 84 (P&F)	Apr. 30, 2004
642-6747 H 224-0809 B	Gary A. Sirotti Resigned 7/02/01	4032 Rouge Circle, 98(C.S.)	Apr. 30, 2002

Mr. Sirotti has moved from Troy.

Economic Development Corporation

Mayor, Council Approval (9) -6 years

Term expires 4-30-2005

PHONE	NAME	ADDRESS	TERM EXPIRES
879-5725H 313-225-9095B	Kenneth Bluhm	6187 Brittany Tree, 98	Apr. 30, 2006
641-7676 H 362-3600 B	Robert S. Gigliotti	2381 Hidden Pine, 98	Apr. 30, 2002
879-9104 H 524-3364 B	Laurence Keisling Retired 7/02/01	6321 Sandshores, 98	Apr. 30, 2005
524-0877 H 524-3311 B	Leger (Nino) Licari	4533 Post, 98	Apr. 30, 2004
643-0332 H 739-4254 B	Michael Parker	2524 Kingston, 84	Apr. 30, 2007
641-7339H 879-0500B	Stuart F. Redpath	1679 Greenwich, 98	Apr. 30, 2003
649-9612 H 205-2748B	James A Rocchio	2810 Waterloo, 84	Apr. 30, 2003
689-7235	Charles Salgat, Ch	2651 Winter, 83	Apr. 30, 2004
362-5385 H 540-2300 B	John Sharp	3362 Muerknoll, 84	Apr. 30, 2003

Historical Commission

Appointed by Council (7)- 3 years

Term expires 7-01-2002 (Student)

Term expires 7-31-2004

		ADDRESS (Voters)	TERM EXPIRES
879-0195	Edward Bortner	193 Hurst, 98	July 31, 2002
649-5074H 810-497-5333B	Roger Kaniarz	4350 Stonehenge, 98	July 31, 2002
879-8659	Cynthia Kmett	1168 Snead, 98	July 31, 2001
641-1962	Rosemary Kornacki	4648 Rivers Edge, 98	July 31, 2002
879-6168	Jeannine Kufta (Student)	683 Sylvanwood, 98	July 01, 2001
828-3632H 753-2408B	Kevin Lindsey	6890 Norton, 98	July 31, 2003
879-6567	Muriel W. Rounds	6291 Ledwin, 98	July 31, 2003
689-1249	Brian J. Wattles	3864 Livernois, 83	July 31, 2004

Cynthia Kmett **does not** wish to be reappointed.

Liquor Committee

Appointed by Council (7) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-0817H 689-5900W	Max K. Ehlert	6614 Northpoint, 98	Jan. 31, 2002
689-4614H 810 575-2648B	W. S. Godlewski	2784 Whitehall, 48098	Jan. 31, 2002
828-7436	James C. Moseley	1687 White Birch Ct., 98	Jan. 31, 2003
689-8092	James R. Peard	4549 Post, 98	Jan. 31, 2003
642-1887H 647-9099W	Thomas G. Sawyer, Jr., Ch.	895 Norwich, PO 99236, Troy 48099	Jan. 31, 2003
649-7480	David J. Balagna	1822 Wilmet, 98	Jan. 31, 2003
689-1099	John J. Walker	94 Evaline, 98	Jan. 31, 2003
641-8432	Jennifer Gilbert (Student)	4808 Rivers Edge, 98	July 1, 2001
524-3477	Capt. Dane Slater	Police Department	(Ex-officio)

Parks and Recreation Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
828-8940	Douglas M. Bordas, Ch.	5902 Cliffside, 98	Sept. 30, 2002
879-2977	Haley Byrd (Student)	200 Nottingham, 98	July 01, 2001
828-4361	Kathleen M. Fejes	6475 Elmoor, 98	Sept. 30, 2001
644-6744	John F. Goetz, Jr	2539 Black Pine, 98	Sept. 30, 2003
689-3794	Gary Hauff (School Rep)	3794 Wayfarer, 83	July 31, 2001
879-9314	Lawrence Jose (Sr. Rep.)	5581 Livernois, 98	Apr. 30, 2003
828-8084	Orestes (Rusty) Kaltsounis	6798 Jasmine, 98	Sept. 30, 2003
649-4948	Tom Krent	3184 Alpine, 84	Sept. 30, 2001
879-1466	Robert J. O'Brien	6285 Brookings, 98	Sept. 30, 2002
689-2074H 569-8454B	Jeffrey Stewart (Troy Daze Representative)	884 Hidden Ridge, 83	Sept. 30, 2003
524-3484	Carol Anderson	Parks & Rec. Dir.	(Ex-officio)

Traffic Committee

Appointed by Council (7) – 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-2319	David Allen (Student)	3755 Ledge Ct., 84	July 01, 2001
879-0103	John Diefenbaker	5697 Wright, 98	Jan. 31, 2003
879-0250H 663-5055B	Eric S Grinnell	406 E Square Lake, 84 MAIL TO: PO Box 99417 Troy MI 48099	Jan. 31, 2003
689-1223	Lawrence Halsey	663 Vanderpool, 83	Jan. 31, 2003
689-9401H (313)665-4284B	Jan L. Hubbell	1080 Glaser, 98	Jan. 31, 2002
524-1595	Richard A. Kilmer	62 Hickory, 83	Jan. 31, 2002
689-0217H 223-2303B	Michael Palchesko	36 Randall, 98	Jan. 31, 2002
524-9062H 689-2920B	Charles A. Solis, Ch.	1866 Crimson, 83	Jan. 31, 2003
524-3379	John Abraham	Traffic Engineer	(Ex-officio)
524-3443	Charles Craft	Police Chief	(Ex-officio)
524-3419	William Nelson	Fire Chief	(Ex-officio)

Troy Daze Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
528-0155 H 322-9813B	Robert A. Berk	726 Thurber, 98	Nov. 30, 2003
879-9030H 879-0272B	Sue Bishop	6109 Emerald Lake, 98	Nov. 30, 2001
528-1551	Jim D. Cyrulewski.	626 Randall, 98	Nov. 30, 2001
689-9244	Cecile Dilley	2722 Sparta, 83	Nov. 30, 2001
828-8084	Kessie Kaltsounis	6798 Jasmine, 98	Nov. 30, 2002
879-6958H 354-3710B	Richard L. Tharp	6881 Westaway Dr.98	Nov. 30, 2003
649-4345H 944-5968B	William F Hall	1891 Kirts, Apt 215, 84	Nov. 30, 2002
689-2074H 569-8454B	Jeffrey Stewart (Repr to Parks/Rec Board)	884 Hidden Ridge, 83	Sept. 30, 2003
879-3710	Eldon Thompson	6500 Denton, 98	Nov. 30, 2002

952-1732	Cheryl A Kaszubski	1878 Freemont, 98	Nov. 30, 2003
952-1763	Rebecca Mill (Student)	1478 Brentwood, 98	July 1, 2001

*CATV Advisory Committee
Committee of 7*

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Bennett, Alex	1065 Arthur, 83 MAIL TO: PO Box 346, 99	689-8176	9/30/03	10/25/88	3/01/99 11/6/00
Bixby, Jerry L	6228 Crooks, 98	879-8657	2/28/03	5/05/97	2/07/00
Farrug, Michael J	6781 Little Creek Ct, 98	689-3430	11/30/02	8/07/00	8/07/00
Hughes, Richard	1321 Roger Ct., 83	689-2528	2/28/03	2/17/97	1/17/00
Krstich, Kyleen (Student)	2033 Sundew, 98	952-5122	7/01/01	10/02/00	
Smith, Frank (Resigned)	2020 Dorchester, Apt 103, 84	643-8250	2/28/04	2/13/95	2/05/01
Voight, W Kent	2620 Coral , 98	879-0793	2/28/04	5/07/01	5/07/01
Wehrung, Bryan H	3860 Edgemont, 84	649-6578	2/28/02	2/18/91	3/01/99

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

*CATV Advisory Committee
Committee of 7*

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Butt, Shazad	5381 Clearview, 98	641-8505	7/13/00/6/26/0 1 5/2003	8/07/00 7/09/01	
Gauri, Kul B	5305 Greendale, 98	680-0325	8/26/99		Advisory Comm for Persons w/Disabilities
Wattles, Brian J	3864 Livernois, 83	689-1249	7/10/01 6/2003	7/23/01	Historical Commission

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

August 2, 2001

TO: All recipients of the Boards and Committees Resume Book
FROM: Clerk's office
RE: Update process of Resume Book

We are in the process of verifying our records showing citizen interest in the Boards and Committees of the City of Troy.

Please **remove** the application and resume for the following person as he has responded that he is no longer able to serve in Troy, **or** they have not responded to our request for continuing interest to serving on a Troy Board or Committee, and their resumes are dated 1999 or before.

Frank Smith

Thank you.

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director
Steve Vandette, City Engineer
Mark F. Miller, Interim Planning Director

DATE: August 10, 2001

SUBJECT: Preliminary Plat-Final Approval – **Meadow Creek Subdivision** – West of Evanswood, North of Square Lake – Section 1

The Final Preliminary Plat has been submitted for Meadow Creek Subdivision, consisting of 8 lots and a detention basin parcel within a 3.88 acre area, extending west from Evanswood Road in the area north of Square Lake Road. A portion of the subject site is adjacent on the south to the Evanswood Church of God property, while the remaining boundaries abut acreage home sites. A summary of the final Preliminary Plat review process is enclosed.

Almar Homes, the developers, have assembled a property where access to the proposed subdivision is a single road extending to the west from Evanswood. The road pattern provides a stub street to the north and south property lines of the proposed subdivision. The proprietor's engineer has provided a hypothetical layout, indicating how this street system could be extended into adjacent properties (copy enclosed).

This proposed subdivision is to be developed in accordance with standard lot size provisions of the subject R-1D Zoning District. All of the lots are substantially larger than the 8,500 square foot minimum lot size and the 75 foot minimum frontage width. The proposed shallow-sloped unfenced stormwater detention basin is typically conveyed to the City for maintenance.

The proprietor has submitted to the City Clerk cash payments for the public improvement escrow deposits and the cash fees as included in the attached detailed summary within the subdivision agreement (copy enclosed).

The MDEQ has issued a Wetlands Permit for the fill of a 0.124 acre wetland for the proposed subdivision (copy enclosed). In addition, the MDNR, Wildlife Division, issued a release regarding the State Threatened spotted turtle in relation to the subject property. This release stated, *"Information received regarding the proposed Meadow Creek Subdivision (DEQ file no. 00-63-435-P) in Oakland County (section 1, T2N R11E) has been reviewed. The information was found to adequately address the concerns for potential threatened and endangered species at the site in question. Based on the provided information, the proposed project should have no impact on known special natural features at the location specified if it proceeds according the plans provided,"* (copy enclosed).

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

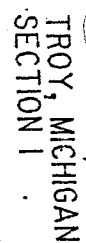
Final Preliminary Plat Approval

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.



MEADOW CREEK SUB.

EVANSWOOD CHURCH
OF GOD

SO. LAKE ROAD

EVANSWOOD

MARBLE CT.

SUBDIVISION AGREEMENT

THIS AGREEMENT is entered into and executed this 19 day of July, ~~19~~ 2001
between the **CITY OF TROY**, a Michigan municipal corporation, party of the first part, hereinafter
referred to as "City", and ALMAR HOMES INC.

party of the second part, hereinafter referred to as the "Owner".

WITNESSETH:

WHEREAS the Owner is the owner of certain real property described as follows: (See
attached Exhibit "A")

and

WHEREAS the Owner desires to plat same into a RESIDENTIAL subdivision
and to erect HOMES thereon, for which development there is required the
installation of certain necessary public improvements, hereinafter described and specified, and

WHEREAS the Owner desires to install at his own expense all of the necessary
improvements, and

WHEREAS the City has expended and will be required to expend time and effort in
reviewing the various plans, specifications and other documents, and in the field inspection
involved in the development process.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, it
is hereby mutually agreed by these parties as follows:

I

The Owner agrees that he has submitted a proposed plat of the MEADOWCREEK
subdivision embracing the above described property, and that he will as a condition precedent to

V

The Owner agrees to pay all engineering, inspection, and other administrative costs of the City occasioned by the assignment of City Engineers, Inspectors, and other personnel to the construction work to be performed pursuant to this Agreement, provided however, that such costs shall be limited to either the flat rate or percentage customarily applied by the City to such matters as a firm City policy in existence at the inception of this Agreement, plus direct costs clearly chargeable to the construction work contemplated hereunder.

VI

Before proceeding with any of the work contemplated herein, the Owner will provide liability, property damage, and workmen's compensation insurance in amounts at least equal to that required by City specifications or standards in existence at the inception of this Agreement, naming the City as "Additionally Insured", protecting the City against any and all claims for damages to persons or property resulting from the installation of any of the public improvements herein contemplated, and true and accurate copies of said insurance policies will be filed with the City Manager. Higher levels of insurance coverage may be required by the City Manager when he determines that unique features of the particular improvement project, such as exceptional difficulty or hazards involved in construction, warrant such additional coverage. Any contractor or subcontractor employed by the Owner must be acceptable to the City, and before any contractor or subcontractor shall commence work on any of the improvements contemplated herein, such contractor or subcontractor must be approved by the City Manager.

VII

The Owner agrees that contracts covering the installation of all required subdivision improvements, with the exception of paving, shall be let within ninety (90) days from the date of Final Approval of the Preliminary Plat of MEADOWCREEK Subdivision by the City

the City to create any special assessment districts or to process any special assessments in reimbursement of the Owner.

X

The terms of this Agreement shall be coterminous with that of the Final Approval of the Preliminary Plat MEADOWCREEK Subdivision by the City Council, that being two (2) years from the date of said approval. A certified copy of the City Council Resolution granting such approval, and thus indicating the subject time period, is attached to this Agreement as Exhibit "C".

At the end of this time period, the subject Final Preliminary Plat Approval the approval of subdivision improvement construction plans, and this Agreement shall be terminated. Any extension of this time period, as in the case of the Final Preliminary Plat Approval, shall require the approval of the City Council. Prior to consideration, by the City Council, of any extension, revised estimates of costs of any required subdivision improvements not as yet completed shall be prepared, Exhibit "B" shall be revised accordingly, and revised deposits or guarantees shall be submitted by the Owner to the City.

XI

The Provisions and conditions of this Agreement constitute a covenant running with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto, for the term of the Agreement.

DESCRIPTION OF PARCEL "A" FOR THE PLAT OF MEADOW CREEK

PART OF THE W1/2 OF THE SE1/4 OF SECTION 1, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE S1/4 CORNER OF SECTION 1; THENCE N01°36'23"W 653.00 FEET ALONG THE N-S1/4 LINE OF SECTION 1 FOR A POINT OF BEGINNING; THENCE CONTINUING N01°36'23"W 303.14 FEET; THENCE N89°41'26"E 656.45 FEET TO THE CENTERLINE OF EVANSWOOD ROAD (60 FEET WIDE); THENCE S01°45'52"E 200.56 FEET ALONG THE CENTERLINE OF EVANSWOOD ROAD (60 FEET WIDE); THENCE N89°56'43"W 242.56 FEET; THENCE S01°45'52"E 96.51 FEET; THENCE S84°02'58"W 98.19 FEET; THENCE N89°56'43"W 316.59 FEET TO THE POINT OF BEGINNING. CONTAINING 174029 SQUARE FEET OR 3.9952 ACRES, MORE OR LESS.

SUBJECT TO EVANSWOOD ROAD RIGHT OF WAY OVER THE EAST 30.00 FEET OF THE ABOVE DESCRIBED PROPERTY.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

March 1, 2001

TO: John Szerlag, City Manager

FROM: Steve Vandette, City Engineer

SUBJECT: Detailed Summary of Required Escrow Deposits and Cash Fees
For Meadow Creek Subdivision
8 Lots, Section 1

The estimated costs of public improvements are:

ESCROW DEPOSITS:

Sanitary Sewers	29,069
Water Mains	35,880
Storm Sewers	56,174
Rear Yard Drains	17,210
Concrete Pavement & Grading	59,835
Detention Basin	3,000
Monuments and Lot Corner Irons	470
Evanswood Road Improvements	9,339
Temporary Access Road	2,222
Soil Erosion Control Measures	2,196
Sidewalks – along Evanswood	2,325
Sidewalks – from Evanswood to Detention Basin	4,575
Street Light	7,000
Deposit for Repair of Damage to Existing Public Streets Used for Access	6,000

TOTAL ESCROW DEPOSITS:

\$235,295.00

CASH FEES:

Sidewalk Closures	1,134
Water Main Testing & Chlorination	650
Street Name & Traffic Signs	1,123
Landscaping & Screen Planting of Non-access	
Greenbelt Easement with Berm	1,680
Landscaping & Screen Planting of Detention Basin	2,667
Maintenance of Detention Basin	2,145
Topsoil, Fertilizer, Seed & Mulch, Right of Way, \$3.50/S.Y.	
Evanswood Road	2,215
Topsoil, Fertilizer, Seed & Mulch, Right of Way \$3.50 S.Y.	
from Evanswood to Detention Basin	1,186

CASH FEES (continued):

Soil Erosion & Sedimentation Control Permits	549
Testing Services	3,294
Engineering Review & Inspection Fees (incl. Deduction of Plan Fee of \$640)	12,312
Deposit for the Maintenance & Cleaning of Existing Public Streets Used for Access	2,000

TOTAL CASH FEES:

\$30,955

Storm water detention for this development will be provided by a new detention basin within the development.

WJH/In

cc: Gary Shripka, Assistant City Manager/Services
John Lamerato, Assistant City Manager/Finance and Administration
Tonni Bartholomew, City Clerk
Carol Anderson, Parks & Recreation Director
Laurence G. Keisling, Planning Director
Nino Licari, City Assessor
William Need, Director of Public Works
James Nash, Financial Services Director
William Jawlik, Inspector Supervisor
MCS Associates, Inc. (Engineer)
Amar Homes (Developer)

9. PRELIMINARY PLAT – TENTATIVE APPROVAL – Meadow Creek Subdivision – West Side of Evanswood, North of Square Lake – Section 1

Mr. Keisling explained that this proposed subdivision, consisting of 8 lots and a detention basin parcel, lies within a 3.88 acre portion of a larger homesite on the west side of Evanswood Drive north of Square Lake Road. The property extends west from Evanswood to the large Troy School District property which they have indicated they wish to preserve as open space/natural area. The westerly major portion of the south boundary of the subdivision site abuts the north edge of the Evanswood Church of God site, while the remaining boundaries abut acreage homesites. While wetland area exists on the School District property and on the church site, staff investigation has confirmed the fact that the proposed subdivision site has basically been maintained as a lawn by the abutting homeowner, and thus contains no wetland areas or significant natural features. The proprietor's engineer has provided a hypothetical street pattern layout for the adjacent properties. This proposed subdivision is to be developed in accordance with the standard lot size provisions of the subject R-1D Zoning District. All of the lots are substantially larger than the 8,500 square foot minimum lot size in that District, and much wider than the 75 foot minimum frontage width. The proposed shallow-sloped unfenced stormwater detention basin is of the type which is typically ultimately conveyed to the City for maintenance, with a maintenance deposit. Approval of this Tentative Preliminary Plat was recommended by the Planning Department.

Mark Lederman, the proprietor, was present. He stated that this subdivision would be small but upscale. The homes would be 3400-3800 square feet in size with three car side entrance garages.

Gary Elsner of 6193 Evanswood stated that he owned the three plus acre parcel directly to the north, and was concerned about potential utility location and the trees along the edge of his property. Mr. Keisling explained that all new subdivisions are required to have rear yard drains, and that an easement for same would most likely be along the north edge of the subdivision site.

Philip Hepp of 6136 Evanswood was concerned about more congestion in the area. He noted that Evanswood currently does not have sidewalks.

Chairman Beltrami commented that the proposed lots were larger than normal for R-1D zoning, and thus that this subdivision could involve more lots. Mr. Littman noted that sidewalks will be constructed within the proposed subdivision, including the Evanswood frontage.

Moved by Kramer

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Meadow Creek Subdivision, on the west side of Evanswood north of Square Lake Road.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

P/C
5-9-00

Notice of Authorization

Permit No. 00-63-0435-P

Issued: 02/08/2001

Expiration Date: 12/31/2001

The State of Michigan, Department of Environmental Quality, Land and Water Management Division, SE Michigan District Office, 38980 Seven Mile Road, Livonia, Michigan 48152-1006, 734-953-8905, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and specifically:

- ☐ Part 31 Floodplain/Water Resources Protection.
- ☐ Part 301 Inland Lakes and Streams.
- ☒ Part 303 Wetland Protection
- ☐ Part 315 Dam Safety.
- ☐ Part 325 Great Lakes Submerged Lands

Authorizes the following activity:

Permitted Activity:

Fill a total of 0.124 acre of wetland (490 cubic yards or fill) to allow construction of the Meadow Creek Subdivision. All work shall be completed in accordance with the DEQ approved plans.

To be conducted at property located: Oakland County, Waterbody: wetland
Section 1, Town 2N, Range 11E, City of Troy

Permittee: Amar Homes Marc Lederman
2423 Burningbush Drive
other phone (248) 661-3242
Sterling Heights, MI 48314

Russell J. Harding, Director
Department of Environmental Quality

David M. Wickens
District Representative

*This notice must be displayed at the site of work
in such a way that it can be seen from the road*

Please refer to the above Permit No. with any questions or concerns

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMIT

Amar Homes, Mr. Marc Lederman
2423 Burningbush Drive
Phone # (248) 661-3242
Sterling Heights, MI 48314

Permit No.	00-63-0435-P
Issued	February 8, 2001
Extended	
Revised	
Expires	December 31, 2001

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended
and specifically:

RECEIVED BY

FEB 12 2001

ENGINEERING

- ☐ Part 301 Inland Lakes and Streams.
- ☐ Part 325 Great Lakes Submerged Lands
- ☒ Part 303 Wetland Protection
- ☐ Part 31 Floodplain/Water Resources Protection.
- ☐ Part 315 Dam Safety.

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

Permitted Activity:

Fill a total of 0.124 acre of wetland (490 cubic yards or fill) to allow construction of the Meadow Creek Subdivision. All work shall be completed in accordance with the DEQ approved plans.

Water Course Affected: wetland

Property Location: Oakland County, City of Troy, Section 1
Meadow Creek Subdivision, Lots 1 to 8 Town/Range 2N, 11E

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications referred to or attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

Amar Homes, Mr. Marc Lederman
2423 Burningbush Drive
(248) 661-3242
Sterling Heights, MI 48314

Permit No. 00-63-0435-P

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation, Natural Resources and Environmental Protection Act (1994, PA 451 as amended) or the need to acquire applicable permits from the County Drain Commissioner.

If the project, or any portion, is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary sandbag rip-rap or other acceptable temporary protection.

No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.

All slurry resulting from any dewatering operation shall be discharged through a filter bag or pumped to a sump located away from wetlands and surface waters and allowed to filter through natural upland vegetation, gravel filters, or other engineered devices for a sufficient distance and/or period of time necessary to remove sediment or suspended particles.

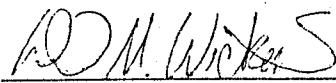
Unless specifically authorized by this permit no soil or other material from the project may be deposited in or allowed to enter by neglect, lack of maintenance or willful intent any wetlands or surface water. All excess soil material shall be placed on upland (non-wetland, non-floodplain) site sodded or mulched and seeded to prevent erosion into surface waters or wetlands.

Permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

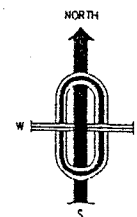
This permit does not preclude the need for approvals or permits from other federal, state, county or municipal authorities as may be required by law.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide or otherwise imply approval of any other governing act, ordinance or regulation, nor does it waive the permittee's obligation to acquire any local, county or federal approval or authorizations necessary to conduct the activity.

Russell J. Harding, Director
Department of Environmental Quality

By 
David M. Wickens
District Representative
Land and Water Management Division

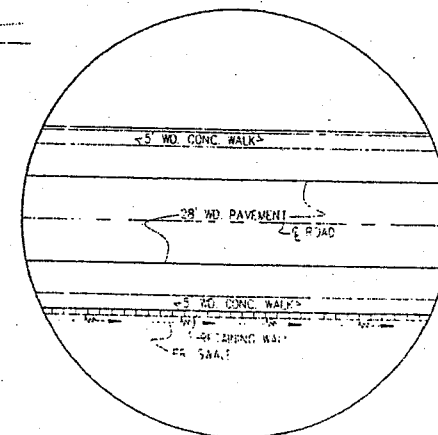
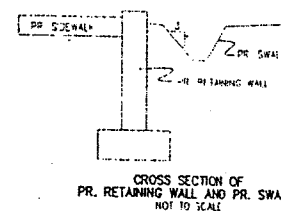
cc: DEQ, LWMD, PCU
Oakland CEA
Ms. Tracy Slintak, City of Troy



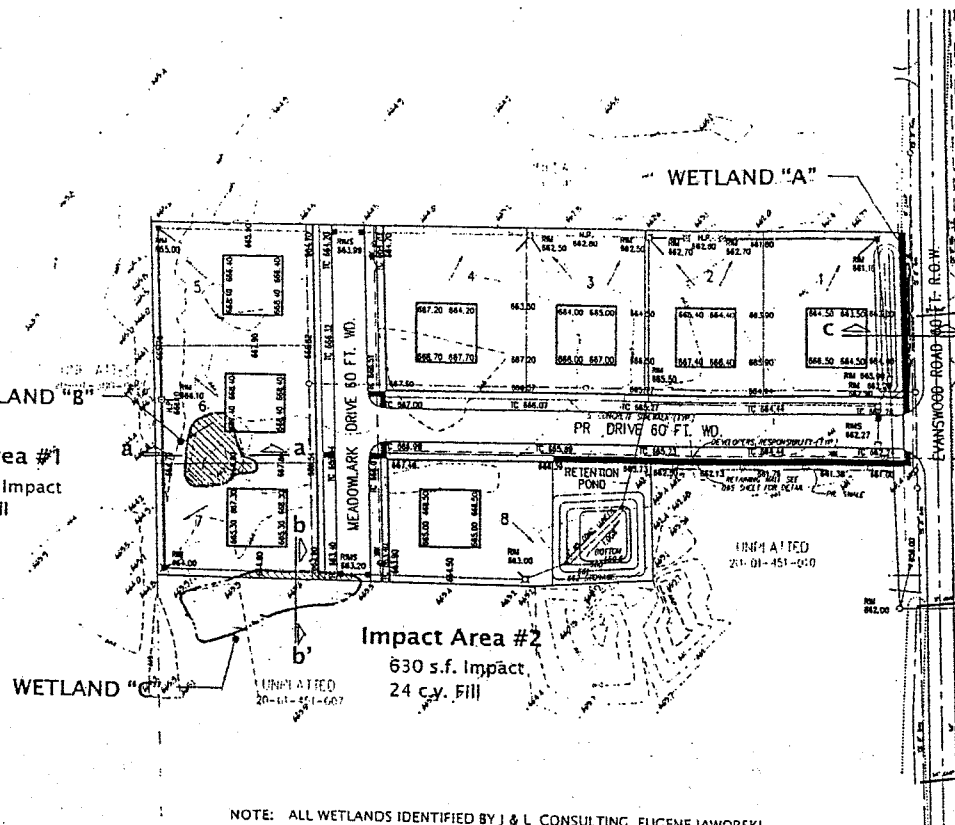
Impact Area #3

840 s.f. Impact

31 c.y. Fill



NOTE: ALL WETLANDS IDENTIFIED BY J & L CONSULTING, EUGENE JAWORSKI



DEC - 1/1/10

FILE # 00-63-0435

APPROVED PLANS

4 OF 5

130 M. Wicks
9/8/01

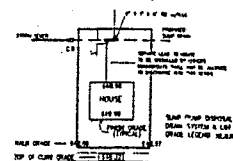
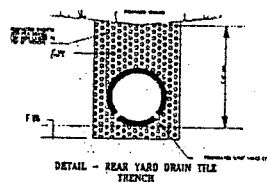
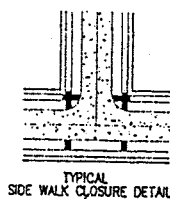
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NOV - 3 2000

ENVIRONMENTAL QUALITY

BENCH MARKS: (U.S.G.S. DATUM)

1. ARROW ON HYDRANT LOCATED ON THE EAST SIDE OF EVANSWOOD ROAD +/- 48 FT. EAST AND +/- 7.0 NORTH OF THE N.E. PROPERTY CORNER. ELEV. 663.69



NOTES:

1. A 3" square concrete pad and 12" deep 12" diameter hole shall be installed as necessary to keep the water level in the bottom of the ground surface at the adjacent low tide. (See notes and service connections into other areas.)
2. All new pipe 8" drain tile to be installed after completion of storm sewer system and proper grading.
3. Elevation shown based on proposed final grades of houses.
4. All storm sewer lines to be below the property line as shown on plan.
5. It is the responsibility of the storm sewer contractor to provide all lines and levels to storm sewer or storm sewer structures where shown for storm sewer it has received to drive the.
6. Proposed sidewalk grades on shown on this plan are set 0.50 ft. above top of curb.
7. All elevations shown are proposed except those marked which denotes existing elevations. Consider the existing existing elevations.
8. Minimum house setbacks to be 30 ft.
9. The builder will be responsible for providing proper grading and drainage.

NOTE: MAINTAIN MINIMUM 18" VERTICAL CLEARANCE BETWEEN WATER MAIN AND SEWERS.	
REV	DATE
1	08/13/2000
C:\Engineering and Surveying\2150\2150.dwg Drawing: 2150.dwg Drawing: 2150.dwg	
"MEADOW CREEK"	
PART OF THE SEVENTH 1/4 OF SECTION 1, T2N, R1E, OREGON COUNTY, MICHIGAN	
DATE JULY 13, 2000	SCALE 1" = 50'
DRAWN BY J.D.P.	SHEET 6 OF 8
CHECKED BY J.J.J.	DRAWING P-00-520
GRADING PLAN	

NATURAL RESOURCES
COMMISSION

KEITH J. CHARTERS, Chair
NANCY A. DOUGLAS
PAUL EISELE
BOB GARNER
WILLIAM U. PARFET
FRANK WHEATLAKE



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T MASON BUILDING, PO BOX 30028, LANSING MI 48909-7528

WEBSITE: www.michigandnr.com

K. L. COOL, Director

REPLY TO:

NATURAL HERITAGE
WILDLIFE DIVISION
PO BOX 30180
LANSING MI 48909-7680

May 24, 2001

REC'D

MAY 29 2001

PLANNING DEPT.

RECEIVED BY

MAY 29 2001

ENGINEERING

File: Meadow Creek SUB.

Mr. Marcus Lederman
Almar Homes, Inc.
2423 Burningbush Drive
Sterling Heights, MI 48314

Dear Mr. Lederman:

I am writing regarding the proposed residential development on your property in Oakland County, specifically Meadow Creek subdivision (DEQ File No. 00-63-435-P). The state-threatened spotted turtle (*Clemmys guttata*) have been found near the property. Any harm to a protected species would be a violation of state endangered species laws. We request your cooperation in this matter. Development of this site may cause harm to existing populations by fragmenting existing habitat and isolating the population from neighboring populations and potential habitat. Since reptiles are not able to move great distances, isolation of habitat means certain extirpation of that population.

The **spotted turtle** inhabits shallow ponds, wet meadows, tamarack swamps, bogs, fens, marsh channels, sphagnum seepages, and slow streams. Common qualities of occupied habitats include clear, shallow water with a mud or muck bottom and ample aquatic and emergent vegetation. They typically hibernate in shallow water from mid-October to late March. Females will seek a sunny, open spot with sandy or loamy soil that is moist but well drained. If such places are scarce, they may nest in grassy sites or in the tops of grass or sedge hummocks.

The site proposed for development functions as a complete ecosystem that includes both uplands and wetlands. The wetlands are part of an already fragmented system and constitutes the remaining habitat for the spotted turtle and other species in the area. For this reason it is impossible for the Department to recommend the use of this site for its proposed purpose. In order to help ensure this species' short and long-term survival impacts should be minimized by the following actions:

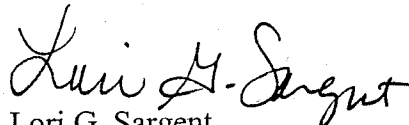
- A thorough biological survey should be done during the springtime for spotted turtles.
- Development a management plan that includes the following:
 - set aside the wetland area as a natural area and protect in perpetuity by selling it to a land conservancy or developing a conservation easement

- maintain site hydrology and nutrient balance by restricting the use of pesticides and fertilizers
- maintain 50-foot buffer around wetlands in which natural vegetation is allowed to grow
- restrict the use of exotic plant species

An endangered species permit will be required from the Department of Natural Resources, Wildlife Division, under the Endangered Species Act: Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.36501 to 324.36507 of the Michigan Compiled Laws Annotated, if any listed species would be taken or harmed.

You are fortunate to have such rare features on your property. These species are a part of the beauty of Michigan, please help preserve them for future generations. Conservation easements and/or deed restrictions are highly recommended to protect rare species in perpetuity. Thank you for your cooperation in protecting Michigan's natural resources. Please contact me if you have any questions.

Sincerely,



Lori G. Sargent
Endangered Species Specialist
Wildlife Division
517-373-9418

cc: David Dortman, DEQ Land & Water Management Division
Robert Leighton Associates, Inc.
City of Troy
LGS:thg

FROM : ALMAR HOMES INC.

FAX NO. : 8107259866

Jul. 13 2000 01:05PM P1

NATURAL RESOURCES
COMMISSIONKEITH J. CHARTERS, Chair
NANCY A. DOUGLAS
PAUL EISELE
BOB GARNER
WILLIAM U. PARFET
FRANK WHEATLAKE

STATE OF MICHIGAN



JOHN ENCLER, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVEN S. T. MASON BUILDING, PO BOX 30028, LANSING MI 48202-7628

WEBSITE: www.dnr.state.mi.us

K. L. COOL, Director

REPLY TO:

NATURAL HERITAGE
WILDLIFE DIVISION
PO BOX 30180
LANSING MI 48202-7620

July 11, 2001

Mr. Marcus Lederman
Almar Homes, Inc.
2423 Burningsbush Drive
Sterling Heights, MI 48314

Dear Mr. Lederman:

Information received regarding the proposed Meadow Creek subdivision (DEQ File No. 00-63-435-P) in Oakland County (section 1, T2N R11E) has been reviewed. The information was found

☒ to adequately address the concerns for potential threatened and endangered species at the site in question.

☐ not adequately address the concerns for potential threatened and endangered species at the site in question

Based on the provided information,

☒ The proposed project should have no impact on known special natural features at the location(s) specified if it proceeds according to the plans provided. Please contact me for an evaluation if the project plans are changed.

To minimize delivery of contaminants to the wetland, we recommend the use of filtration ponds if such ponds can be engineered so they are not affecting the hydrology of the adjacent wetlands. We encourage the use of native plant species and minimizing the use of exotic species as well as minimizing the use of chemicals in landscaping within the project site.

In order to minimize the likelihood of encountering turtles during construction, we recommend all work in the uplands be done in the fall or winter when turtles have returned to the wetlands to hibernate for the winter.

Any turtles encountered during the construction process should be avoided and, if necessary, carefully placed out of harm's way.

FROM : ALMAR HOMES INC.

FAX NO. : 9107259866

Jul. 13 2000 01:05PM P2

Mr. Marcus Lederman
Almar Homes, Inc.
DEQ File No. 00-63-435-P

Page 2
07/11/01

— The following special features may occur on the site(s) and should be avoided and protected from harm from all activities associated with the project and in perpetuity from any future activities on the property.

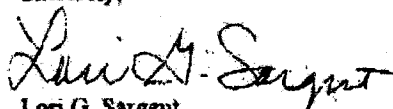
— An endangered species permit is required. Please submit the enclosed application to the Endangered Species Coordinator, DNR - Wildlife Division at the address above.

— The following changes in project plans are advised to minimize or eliminate impacts on endangered and threatened species.

— Other comments:

Thank you for your cooperation in addressing the protection of Michigan's Natural Resource Heritage. If you have further questions I can be reached at 517-373-9418.

Sincerely,



Lori G. Sargent
Endangered Species Specialist
Wildlife Division

LGS:thg

cc: David Dortman, DEQ Land & Water Management Division
Robert Leighton & Associates, Inc.
Brooks Williamson & Associates, Inc.
Mr. Richard Barr, Dean & Fulkerson
City of Troy

**Tentative Preliminary Plat Approval for Meadow Creek Subdivision -
West Side of Evanswood, North of Square Lake - Section 1**

F-4

Resolution #2000-256

Moved by Pallotta

Seconded by Allemon

RESOLVED, that Tentative Approval be granted to the Preliminary Plat of Meadow Creek Subdivision, on the west side of Evanswood, north of Square Lake in Section 1, as recommended by City Management and the Planning Commission.

Yes: Stine, Allemon, Howrylak, Pallotta, Schilling, Stevens

No: Kaszubski

C/C
6-5-00

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Interim Planning Director

DATE: August 13, 2001

SUBJECT: PRELIMINARY PLAN APPROVAL – Pearl Estates Site Condominium –
3 units – North of Long Lake Road, West of Dequindre Road – Section 12

A Preliminary Site Plan has been submitted for a proposed Single Family Residential Site Condominium known as Pearl Estates, involving a 1.57-acre assembly, including part of lot 4 and lot 5 of Jennings Subdivision, within the R-1C zoning district, being north of Long Lake Road and west of Dequindre Road. The single-public road, Windmill Drive, is an extension to the south from the Orchard Estates Site Condominium. The subject plan utilizes the lot averaging provisions and includes three building sites and a detention basin with all zoning ordinance requirements being met. Documentation from the petitioner's consultant and city environmental staff indicate no occurrence of wetlands and/or natural features on the subject property. Petitioner indicates on the site plan potential development patterns of abutting properties. At their July 10, 2001 meeting, the Planning Commission recommended approval of the 3-unit Site Condominiums. City Management also recommends approval of the Preliminary Plan for Pearl Estates Site Condominium.

Attachments

Cc: Mark Stimac, Director of Building and Zoning
Doug Smith, Real Estate and Development Director
File/Pearl Estates

MFM/dav

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council

City Council reviews and approves plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

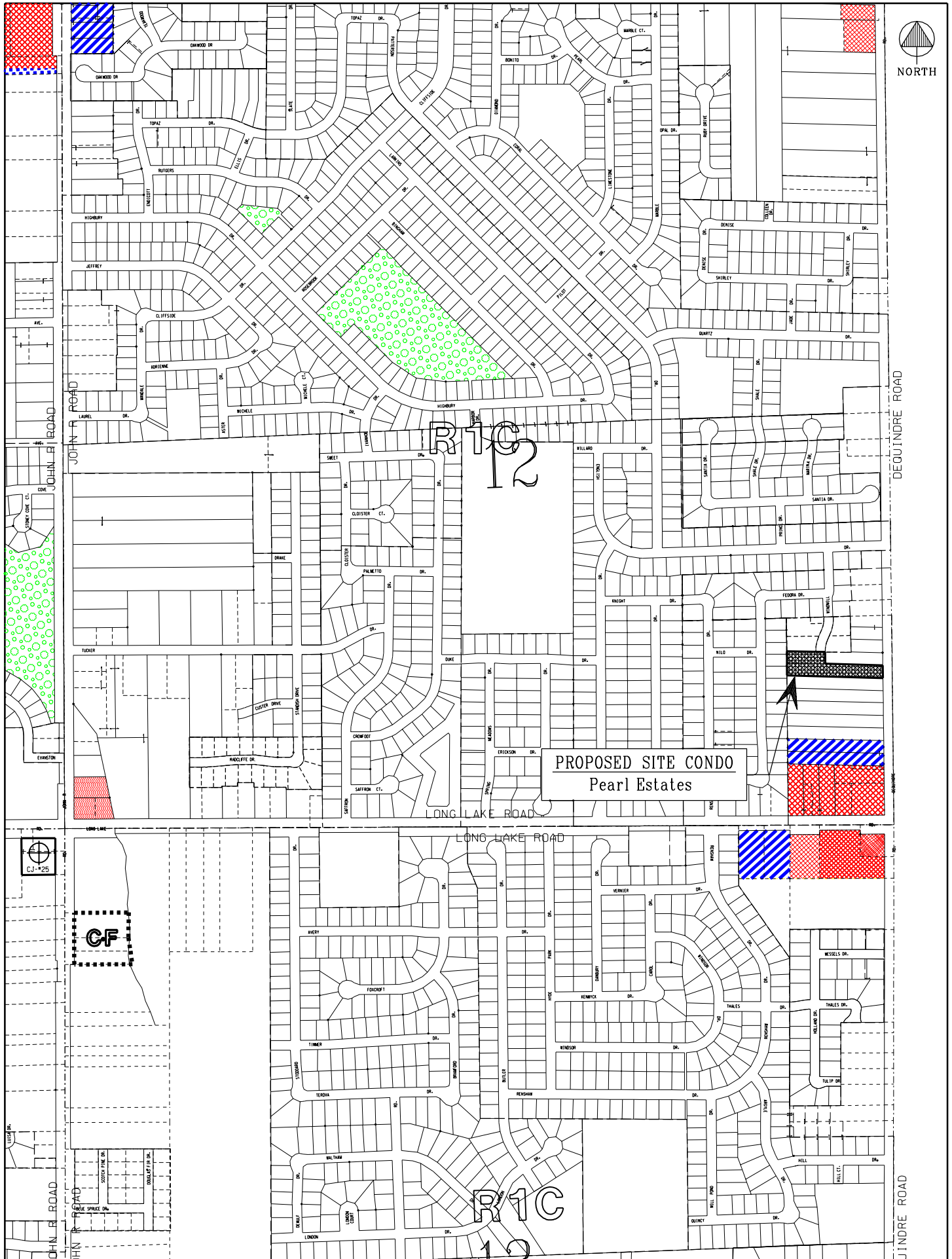
Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units



**SITE PLAN REVIEW
(FOR DEPARTMENTAL USE ONLY)**

NAME OF THE PROPOSED DEVELOPMENT: PEARL ESTATES SITE CONDOMINIUM

PROPOSED ADDRESS: On Dequindre FILE # _____

LOCATED ON THE SE SIDE OF CORNER BETWEEN Long Lake Road AND English Drive

PRELIMINARY SITE PLAN REVIEW

DATE SUBMITTED TO THE PLANNING DEPARTMENT 06/05/01

DATE SUBMITTED TO THE BUILDING DEPARTMENT 06/05/01

DATE SUBMITTED TO THE ENGINEERING DEPARTMENT 06/05/01

DATE SUBMITTED TO THE FIRE DEPARTMENT 06/05/01

DATE SUBMITTED TO THE TRANSPORTATION ENGINEER 06/05/01

DATE SUBMITTED TO THE PARKS AND RECREATION DEPT. 06/05/01

Date submitted to the ~~Environmental Spec~~ Environmental Spec

COMMENTS FROM REVIEWING DEPARTMENTS: BY _____

**RECEIVED BY
JUN 22 2001
ENGINEERING**

REPLY RECEIVED ON _____

REPLY RECEIVED ON _____

REPLY RECEIVED ON _____

REPLY RECEIVED ON _____

REPLY RECEIVED ON _____

Reply Rec'd On
DATE _____

*Per natural features map (6/25/01), no
natural features appear to exist on site.*

DATE SUBMITTED TO THE PLANNING COMMISSION _____

ACTION TAKEN ☐ APPROVED ☐ DENIED ☐ TABLED) _____

DATE _____

CONDITIONS / REQUIREMENTS OF PRELIMINARY SITE PLAN APPROVAL AS STATED IN THE PLANNING COMMISSION RESOLUTION:

APPROVED PRELIMINARY SITE PLAN COPIES TO BUILDING _____

ENGINEERING _____



King & MacGregor
Environmental
Inc.

June 8, 2001

Mr. Fazal Khan
Fazal Khan & Associates
42815 Garfield Road, Suite 204
Clinton Township, MI 48038

Re: Pearl Estates - Wetland Evaluation

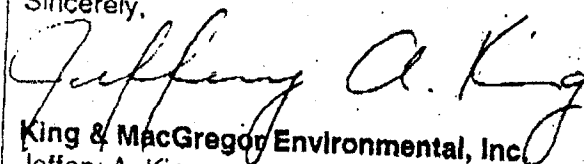
Dear Mr. Khan:

Pursuant to your request, I conducted an on-site evaluation of the above-referenced site on June 5, 2001. The purpose of my evaluation was to assess whether or not any wetlands occur on this site.

Based upon my site visit, it is my opinion there are not wetlands on this site, as it has been historically (and is currently) a maintained lawn area. The predominant identifiable vegetation was common lawn grasses (likely combination of bluegrass, fescue & rye) with occasional clover and dandelion. No wetland plants were noted. There are also four ornamental lawn trees (adjacent to Mr. Stanley Achram's home) including a mature evergreen, box elder, elm and red ash. A brief conversation with Mr. Achram indicated that members of his family planted these trees many years ago.

Please contact me at your convenience if you have any questions or if you need further information. Thank you for the opportunity to be of service in this matter.

Sincerely,


King & MacGregor Environmental, Inc.
Jeffery A. King

West Michigan Office
2675 44th Street SW
Suite 105
Wyoming, MI 49509

Phone: 616/261-4567
FAX: 616/261-4562

Southeast Michigan Office
10 N. Canton Center Rd.
Suite 387
Canton, MI 48187

Phone: 734/354-0594
FAX: 734/354-0593

Internet: kme@king-macgregor.com

printed on recycled paper



6. **SITE PLAN REVIEW – Proposed Pearl Estates Site Condominium – 3 units – North of Long Lake Road, West of Dequindre Road – Section 12**

Mr. Miller stated that a Site Plan has been submitted for a proposed Single-Family Residential Site Condominium, known as Pearl Estates, involving a 1.57-acre assembly, including part of lot 4 and lot 5 of Jennings Subdivision, within the R-1C zoning district, being north of Long Lake Road and west of Dequindre Road. The single road, Windmill Drive, is an extension to the south, from the Orchard Estates Site Condominium. The subject plan utilizes the lot averaging provisions and includes three building sites and a detention basin, with all Zoning Ordinance requirements met. Documentation from the petitioner's consultant and city environmental staff indicate no occurrence of wetlands and/or natural features on the subject property. Petitioner indicates on the site plan potential development patterns of abutting properties. Mr. Miller concluded, that the Planning Department recommends approval of the Preliminary Plan for the 3-Unit Site Condominium.

Mr. Littman asked if the plan includes public road connections. Mr. Miller answered that the site condominium proposed public roads.

Mr. Storrs asked for clarification the meaning of "pr. storm sewer" on the west side of the development. Mr. Miller answered that it indicates proposed storm sewers. Mr. Fazal Khan, the petitioner, agreed that the note indicated a proposed storm sewer. Mr. Storrs asked Mr. Khan about the 12 inch storm sewer on the west side of the development. Mr. Khan answered that the storm sewer is for rear yard drainage.

Chris Komasara, noted a concern with possibility of unbuildable property on Dequindre Road.

Buford Ballard, stated concerns with the number of stormwater detention basins in the general area of the proposed development.

Mr. Chamberlain stated that the City must approve each development on an individual basis.

Buford Ballard asked if each development is required to provide a detention basin. Mr. Miller stated that developments, in general, are required to provide stormwater detention for a 10-year storm event.

Mr. Reece arrived (8:01 P.M.).

Mr. Ballard noted concern that his property, 41251 Dequindre, will suffer storm water flooding from the proposed development. The Planning Commission and Mr. Miller indicated to Mr. Ballard that the developer is required to design the proposed development so that the stormwater is contained and directed into the detention basin and eventually into the storm water sewer system. Further, the detention basin will be owned by the City.

Considerable discussion occurred regarding the specific drainage characteristics of the storm water management system of the proposed development.

Mr. Waller noted that the Planning Commission should not be engineering the proposed development.

Moved by Storrs

Seconded by Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Pearl Estates, in the area north of Long Lake Road and west of Dequindre Road, be approved subject to the following conditions:

1. Relocation of storm sewer to the south property line, along units 2 and 3, of the Site Condominium, that will then discharge into the detention basin.

Yeas:

Absent:

All in favor (8)

none

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance & Administration
Cindy Stewart, Community Affairs Director

Date: 8/15/01

Re: CATV Advisory Committee Action

At the July 26, 2001 CATV Advisory Committee Meeting, members discussed the Council policy on the retention of Council Meeting Tapes. Currently, all City Council tapes are recycled after the next Council meeting is aired.

The CATV Advisory Committee recommends to City Council that copies of all City Council tapes be made available for the life of the tape not to exceed one year (as space permits) at the Troy Public Library for access to citizens.

Moved by Bennett, Seconded by Hughes. Approved unanimously.

City Management also agrees with this CATV Advisory Committee recommendation.

Suggested Resolution

Resolution #2001-

Moved by

Seconded by

RESOLVED, That all City Council meeting tapes be made available for the life of the tape not to exceed one year (as space permits) at the Troy Public Library for access to citizens.

Yes:

No:

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Renaming City Hall Plaza

DATE: August 14, 2001

Attached is a memo from Jack Turner, Chairman of the Veterans Memorial Committee of Troy. He has requested that as part of the October 6th dedication ceremony of the Veterans Memorial/ Monument, City Council consider renaming the plaza at City Hall Veterans Memorial Plaza at Troy City.

Proposed Resolution as submitted by City Management – Renaming City Hall Plaza

Suggested Resolution
Resolution #2001-08-
Moved by
Seconded by

WHEREAS, That on October 6, 2001, the City of Troy will dedicate the Veterans Memorial Monument at City Hall Plaza in front of Troy City Hall; and

WHEREAS, That the Troy Veterans Committee have requested that as part of the Dedication Ceremony, Troy City Hall Plaza be renamed Veterans Memorial Plaza at Troy City Hall;

BE IT RESOLVED, That Troy City Council approves renaming the Plaza in front of Troy City Hall as Veterans Memorial Plaza in honor of all the men and women who have served our country.

Yes:
No:

VETERANS MEMORIAL COMMITTEE OF TROY

"TO HONOR THOSE WHO SERVED"

July 31, 2001

**Troy City Council
500 W. Big Beaver
Troy, Mi. 48083**

Honorable Council Members:

On October 6, 2001, on the grounds of the Troy City Hall Plaza, the City of Troy Veterans Memorial Monument will be dedicated.

Accordingly, it is requested that, as part of the Dedication Ceremony, it be announced that the Troy City Hall Plaza will henceforth be referred to as the Veterans Memorial Plaza at the Troy City Hall.

I am confident that the your approval of this request would not only be greatly appreciated by the Veterans Memorial Committee of Troy but by all veterans and citizens of the City of Troy.

Respectfully Submitted,



**Jack W. Turner, Chairman
Veterans Memorial Committee of Troy**

**2899 E. BIG BEAVER RD.
TROY, MI. 48983
248-528-2615 FAX 248-528-2615
E-MAIL: jtdirect01aol.com**

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark F. Miller, Interim Planning Director

DATE: August 14, 2001

SUBJECT: PRELIMINARY PLAN APPROVAL – Peacock Farms Site Condominium –
West of Rochester Road, North of Square Lake Road – Section 3

A Preliminary Site Plan has been submitted for a proposed Single-Family Residential Site Condominium known as Peacock Farms, involving an 11-acre assembly of R-1B zoned properties lying west of Rochester Road, north of Square Lake Road, and specifically north of Ottawa Road. The subject site consists of the rear major portion of acreage parcels which include the Peacock Poultry Farm's operation, along with a portion of a large platted lot extending south to Ottawa Road. The developer was unable to acquire land extending further to the west on Ottawa, and thus will be developing a single-loaded street in that area. The proposed street pattern will extend north from Ottawa and then west to an area involving platted but unopened partial street rights-of-way and street easements lying south of Marengo and east of Norton Street. The petitioners propose street rights-of-way and improvements which will provide for the extension of a full street to the north toward Marengo. Staff concurs with petitioners proposal to provide just a half-street right-of-way in an area to the south, so that the future provision of a street extending into the Ottawa Road lots in that area will be aligned with the proposed street to the north. It may be reasonable to accept a deposit for the construction of a portion of the stub-street extending to the south with the intention that the street would actually be constructed at such time as the west half of the right-of-way is available.

The home sites within this development will be sized in accordance with the lot-averaging provisions applicable to the subject R-1B Zoning District. The proposed shallow-sloped unfenced storm water detention area in the southeast portion of the property will ultimately be conveyed to the City for maintenance. The Wetlands Evaluation carried out by the petitioner's consultant generally concurred with the City's Interim Environmental Consultant. There are 21 site condominium units proposed.

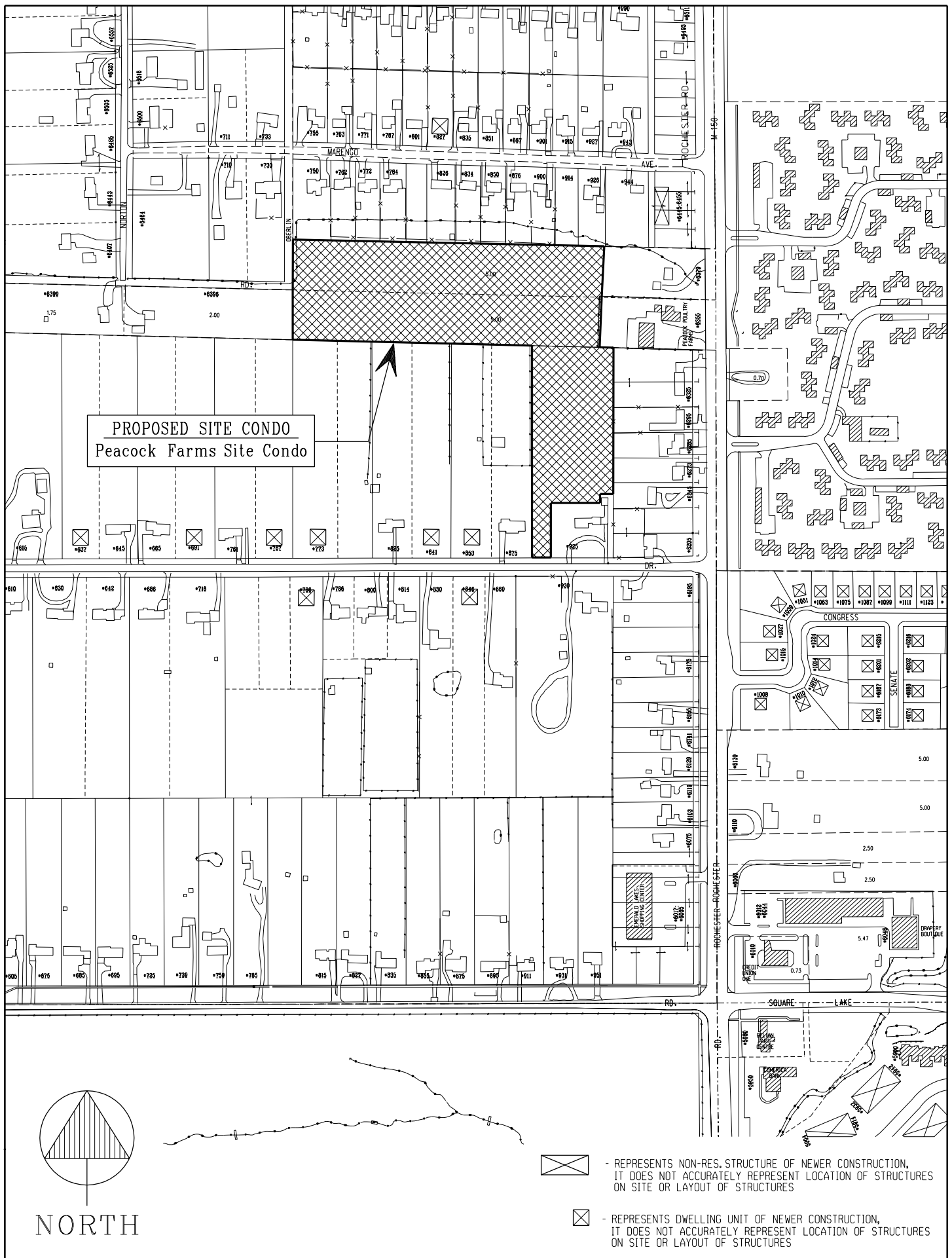
This proposal was postponed at the June 12, 2001 Regular Meeting of the Planning Commission. At this meeting there were five residents of the Ottawa/Marengo/Rochester area who presented stormwater drainage problems to the Planning Commission. A correspondence from City Management is provided in the agenda packet that addresses some of the storm water concerns. In addition, Steve Vandette, City Engineer, was requested to attend the July 24, 2001 Study Meeting of the Planning Commission to answer questions related to the storm water problems. In response to the postponement, the petitioner provided additional topographic and cross-section information to the site plan as requested by the Planning Commission. At the July 24, 2001 Planning Commission Meeting, sufficient information regarding the petitioner's proposed stormwater management system and the City's rear yard drainage project for the Rochester Road properties was provided. Based upon this extensive engineering information which is not required in the Preliminary Plan Approval process, the Planning Commission recommended approval of the subject site plan. City Management also recommends approval of the 21-unit Preliminary Plan for Peacock Farms Site Condominium.

Attachments

Cc: Doug Smith, Real Estate and Development Director
Mark Stimac, Director of Building and Zoning
File/Peacock Farms

MFM/dav





UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council

City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
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- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
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 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units



King & MacGregor
Environmental
Inc.

March 22, 2001

Mr. George Reichert
Reichert Surveying, Inc.
140 Flumerfelt Lane
Rochester, MI 48306

REC'D

MAY 18 2001

PLANNING DEPT.

PEACOCK

Re: Wetland Evaluation – Ottawa and Rochester Roads Property
Section 3, Troy, Oakland County

Pursuant to your request, we have completed a preliminary wetland evaluation on the above-referenced site. The area of investigation consists of approximately 14 acres located northwest of Rochester Road and Ottawa Road. The intent of this evaluation is to provide a report of the wetland areas within the subject parcel and an opinion as to the possible jurisdiction of the Department of Environmental Quality (DEQ) over wetland areas identified on-site.

The methods used to conduct this preliminary wetland evaluation are consistent with the procedures and general practices used by the DEQ. This evaluation included review of in-office information including the Soil Survey of Oakland County (1980), the National Wetlands Inventory map (Birmingham, Mich. quadrangle, 1978) and the USGS topographic map (Birmingham, Mich. quadrangle, 1981). As shown on the soil survey, the subject property contains two different soil units; somewhat poorly drained Capac sandy loam in the south and east portions of the property; and, the somewhat poorly drained Dixboro loamy fine sand in the western portion of the property. The soil survey also shows an intermittent drainage feature passing through the northeast corner of the property. No wetlands are indicated on the subject property on either the National Wetlands Inventory map or USGS topographic map. The USGS topographic map also reflects the presence of an intermittent drainage feature in the northeast corner.

An on-site evaluation was conducted on March 19, 2001. Private residences and associated lawn areas are located in the southern and northeastern portions of the property. A small business is also located in the northeastern portion of the property. The northeastern portion of the property contains a small area of disturbed bare soil. The remainder of the property contains a mixture of meadow and scrub woods.

Two wetland areas were flagged on the subject property; both located in the northeastern portion (see attached map). The first area is a small forested wetland depression that contained eastern cottowood, silver maple, green ash and American elm trees along with up to twelve inches of standing water. The second area included the area within the banks of the drainage channel from the end of the culvert under Rochester Road to the northern property boundary as well as a swale that continues along the northern property boundary from where the point where the channel crosses the boundary. This swale was characterized by the presence scrub/shrub type wetland vegetation such as young green ash and American elm trees as well as silky dogwood and various sedge species. The soils in this area were saturated or had up to an inch of standing water. The drainage channel would be considered to be a stream since it has a defined bed, banks and evidence of the continued occurrence of flowing water. Approximately 6 inches of flowing water was present in the stream at the time of the site evaluation.

West Michigan Office
2675 44th Street SW
Suite 105
Wyoming, MI 49509

Phone: 616/261-4567
FAX: 616/261-4562

Southeast Michigan Office
5860 N. Canton Center Rd.
Suite 387
Canton, MI 48187

Phone: 734/354-0594
FAX: 734/354-0593

e-mail: kme@king-macgregor.com

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Two other areas of the subject property with potential to become wetland were not flagged. The first of these is the area of disturbed bare soil in the northeastern portion of the property. This area had ruts and other small spots with ponded water. The second area is located along the eastern property boundary on/about the proposed Lot 3 (Preliminary Condominium Layout, 12-20-00). This area of scrub woods had up to a foot of standing water. It contained a mixture of plant species that can occur and species that do not typically occur in wetlands. Plant species present included green ash, box elder, white mulberry, hawthorne, gray dogwood, honeysuckle and multiflora rose. This mixture of plant species would not be anticipated given the presence of so much standing water. It is possible there may have been some alteration of the previous drainage pattern that has resulted in more water flowing to this area and/or water being unable to drain from this area. The presence of water in both these locations indicates the possibility these areas are poorly drained and could support the establishment of wetland vegetation in the future; as early as this growing season.

Vegetation characteristic of the non-wetland portions of the property not part of the residential landscapes included eastern cottonwood, aspen, Scots pine, American elm, autumn olive, hawthorne, common buckthorn, staghorn sumac, crabapple, gray dogwood, honeysuckle, multiflora rose, wild carrot, and sweet clover.

The two wetland areas on the subject property would likely be regulated by the DEQ since they are located more than 500 feet from the stream in the northeast corner of the property.

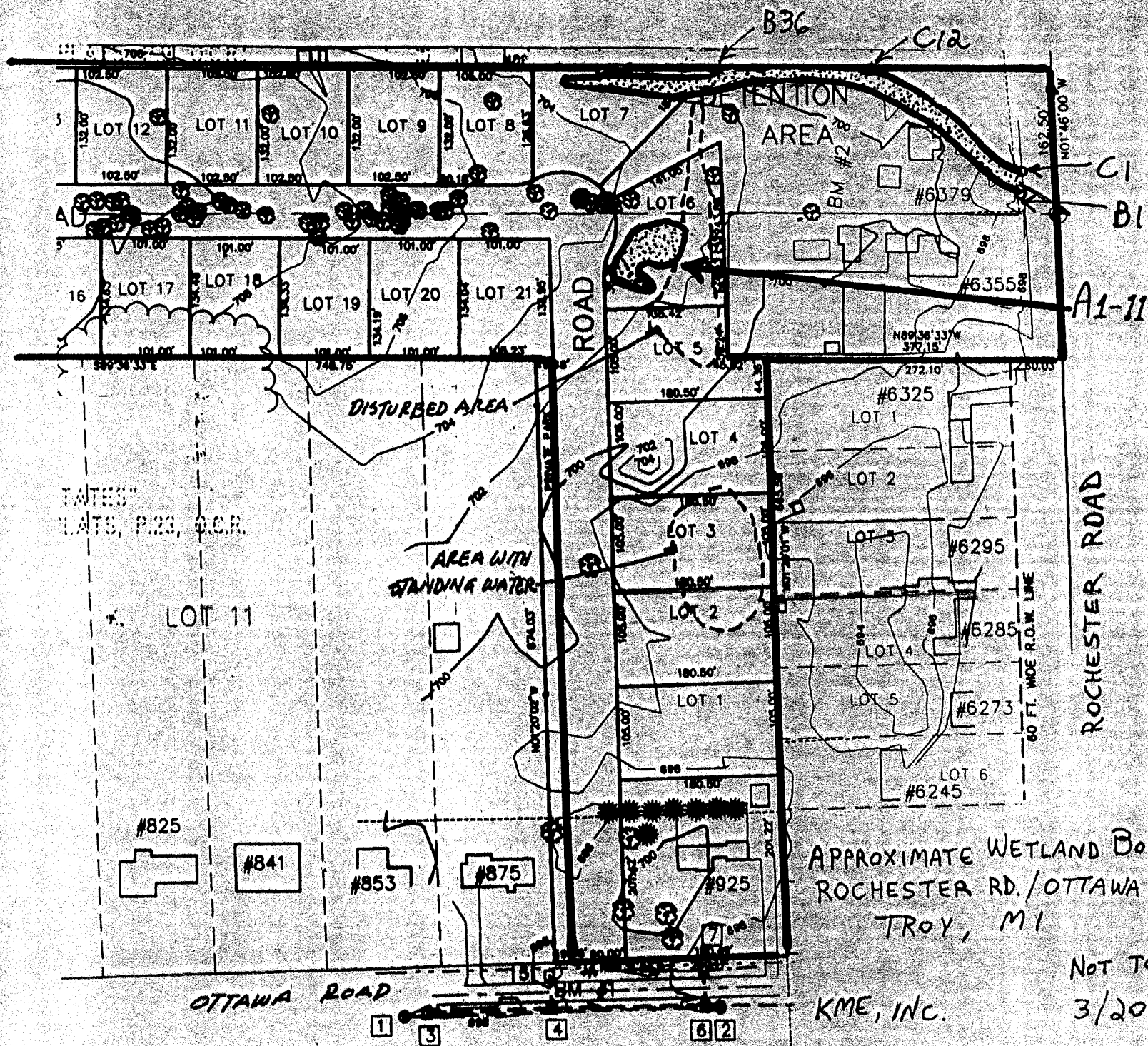
Please be advised the information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the DEQ and, in some cases, the Federal government. Therefore, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature / extent of wetlands on the site. This report does not address any local ordinances that may apply to this site.

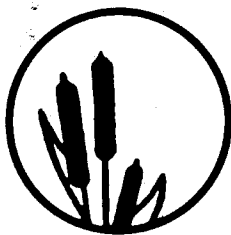
Thank you for the opportunity to provide this preliminary wetland evaluation. If you have any questions, please contact me in our Southeast Michigan office at 734 354 0594.

Sincerely,



KING & MACGREGOR ENVIRONMENTAL, INC.
Woody L. Held





J & L CONSULTING SERVICES

- Environmental Assessments
- Mitigation Plans and Permits
- Site Evaluation and Analyses
- Wetlands Mapping

REC'D

JUN 13 2001

PLANNING DEPT.

11 June 2001

PLANNING DEPT.

JUN 13 2001

REC'D

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Re: Wetland Verification, Peacock Farms, 11.27 Acres, East half of Section 3

Dear Ms. Slintak:

Enclosed please find the annotated wetlands map regarding the L-shaped property located north of Ottawa Road and south of the Elliott Drain. The undersigned and his field assistant inspected this property for wetlands on 6-9-01.

The wetlands, which were previously delineated by the developer's consultant, were investigated in accordance with Part 303 – Wetland Protection of P.A. 451 of 1994, as amended, i.e., the Natural Resources and Environmental Protection Act. Small changes were found in the wetland boundaries, and these changes are noted on the enclosed site plan drawing. However, no new flagging took place in the field.

Findings:

1. Wetland Boundary Changes

In Parcel 1 (the one with the condominium exception) there are small, wetland boundary changes along the drain. In this area the wetlands were somewhat previously undermapped. Therefore, the proposed structures must be located away from the Elliott Drain. Also, as mentioned below, this drain is subject to considerable flooding.

With regard to Wetland A, which is regulated by the State of Michigan because it occurs within 500 feet of the Elliott Drain, some additional wetlands occur to the east of mapped Wetland A. An additional 0.06 acres of wetlands exist in the Lot # 6 area. Be advised, too, that some land disturbance has occurred in this lot, in Lot # 5, and north of Lot # 6 (near the drain).

In Lot # 5, there is a small marginal patch of shrub wetlands. This additional wetland is about 0.03 acres in size, and occurs within 500 feet of the drain.

Lastly, in Lot # 2 (Unit # 2), there is a figure-8 shaped wetland which was not previously mapped. This wetland is about 0.08 acres in size. However, since this wetland occurs

RECEIVED

JUN 12 2001

ENGINEERING

just over 500 feet from the Elliott Drain, it is *not* regulated by the Michigan DEQ per P.A. 451 of 1994.

2. Wetland Regulation

The new wetlands, as mapped by J & L Consulting along the Elliott Drain, in Lot # 6 and in Lot # 5, are regulated by the State of Michigan per Part 303 of P.A. 451 of 1994. In contrast, the wetland in Lot # 2 (Unit # 2) is not regulated.

The shrub wetland in Lot # 5 is marginal, and hence could be ignored, i.e., if the MDEQ does not determine it to be regulated.

However, the wetlands in Lot # 6 could be built around, i.e., avoided by the residential development.


3. Elliott Drain

During this field check, a homeowner informed the undersigned that the Elliott Drain is apparently not being maintained, and that flooding occurs when heavy rains occur.

Therefore, this development should be engineered should that the existing flood condition in the Elliott Drain is not worsened as a result of this residential project.

If you have any questions concerning this inspection, please contact my office at 734/572-1630.

Sincerely,


Eugene Jaworski, PhD
Principal, and
City Interim Environmental Consultant

Enclosure: Site Plan Drawing, on which small Wetland Boundary Changes were Plotted

July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: **Resolution of Drainage Problem South of Peacock Farm on
Rochester Road, Section 10**

The Engineering and Public Works Departments have been working with the property owners south of the Peacock farm for several months to alleviate a long standing drainage problem on their property. These properties receive runoff from vacant property to the west and north, including the Peacock farm. The rear yards are much lower than the surrounding property and flooding has long been a problem, although it has been aggregated by recent activity on the Peacock farm property. During our topographic survey we found two private drains installed many years ago, according to the property owners, which are no longer functional. This condition coupled with increased runoff has resulted in flooding conditions of increased frequency and severity than what has occurred in the past.

The Engineering Department recently completed a storm drain design for DPW to use in their rear yard drainage program to address flooding at this site. It was reviewed with Tim Richnak, Superintendent of Streets and Drains, in the office and in the field. During his visit to the site during the week of June 12, he reviewed the plan with property owners and made revisions based on their comments. The requested changes were made and a revised engineering plan has been prepared. A joint meeting with Engineering, Streets and Drains and the property owners is being scheduled to review and finalize the plan. The next step will be identification and acquisition of easements and scheduling of the project. We anticipate that this rear yard drainage project, without cost to the property owners, will be constructed late this summer, depending on acquisition of easements.



500 West Big Beaver
Troy, Michigan 48064
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

CERTIFIED MAIL
P 502 228 006

October 12, 2000

Gerald and Marilyn Peacock
6355 Rochester Road
Troy, MI 48098-1399

Dear Mr. and Ms. Peacock:

City staff is currently reviewing several issues connected with your property, due to recent complaints from the neighboring property owners. It has come to our attention that land alteration, including grading and filling, has occurred on the western portion of your property. This alteration has changed the stormwater drainage patterns for the area and is adversely affecting adjacent properties.

Please be advised that you are in violation of Chapter 80, Soil Removal and Fill, of the Troy City Code. Previous drainage patterns must be restored and the site inspected by the Engineering Department within 10 days of receipt of this letter, to alleviate the problem and to avoid further action by this office.

The Building Department is also investigating for other alleged violations of the Troy ordinances. Once this investigation is complete, further measures may be necessary to get the property in compliance with the law. However, in the meantime, the restoration of the previous drainage patterns must be completed immediately.

You should also be advised that there might be regulated wetlands on your property. The Michigan Department of Environmental Quality requires a wetlands permit before any work may be performed in a regulated wetland. Violations of this state law could subject you, as the property owners, to criminal liability. If you need assistance in contacting the Michigan Department of Environmental Quality, please let me know.

Please contact me if you have any questions and to request an inspection.

Sincerely,

Tracy Slintak
Environmental Specialist
(248) 524-3383

cc: C. Neall Schroeder, City Engineer
Steven Vandette, City Engineer
Mark Stimac, Building and Zoning Director
Ginny Norvell, Building Inspector/Supervisor
Marlene Struckman, Building/Housing & Zoning Inspector
David Dortman, MDEQ, Land and Water Management Division

7. SITE PLAN REVIEW – Proposed Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3

Mr. Miller explained that a Site Plan has been submitted for a proposed Singe-Family Residential Site Condominium known as Peacock Farms, involving an 11-acre assembly of R-1B zoned properties lying west of Rochester Road, north of Square Lake Road, and specifically north of Ottawa Road. The subject site consists of the rear major portion of acreage parcels which include the Peacock Poultry Farm's operation, along with a portion of a large platted lot extending south to Ottawa Road. The developer was unable to acquire land extending further to the west on Ottawa, and thus will be developing a single-loaded street in that area. The proposed street pattern will extend north from Ottawa and then west to an area involving platted but unopened partial street rights-of-way and street easements lying south of Marengo and east of Norton Street. The petitioners propose street rights-of-way and improvements which will provide for the extension of a full street to the north toward Marengo. Staff concurs with petitioners proposal to provide just a half-street right-of-way in an area to the south, so that the future provision of a street extending into the Ottawa Road lots in that area will be aligned with the proposed street to the north. It may be reasonable to accept a deposit for the construction of a portion of the stub-street extending to the south with the intention that the street would actually be constructed at such time as the west half of the right-of-way is available.

Mr. Miller noted that the home sites within this development will be sized in accordance with the lot-averaging provisions applicable to the subject R-1B Zoning District. The proposed shallow-sloped unfenced storm water detention area in the southeast portion of the property will ultimately be conveyed to the City for maintenance. The Wetlands Evaluation carried out by the petitioner's consultant generally concurred with the City's Interim Environmental Consultant. Approval of this 21-unit site condominium was recommended.

Bob McComb, the petitioner, was present. He noted that he would be requesting a waiver of the sidewalk requirement along the west side of the proposed street extending north from Ottawa, which would not involve any home sites. In response to Mr. Kramer's question, he indicated that he was aware that an MDEQ Permit process would be necessary, and that any resultant revisions in the layout, would require review by the Planning Commission.

Bob Nielsen of 900 Marengo, stated that he was representing several Marengo residents. Although they appreciated the improvements recently carried out in their area by the City, they felt that the proposed development would be detrimental to their area. He noted the Elliott Drain at the rear of their properties, and stated that the flow in that drain has increased considerably in recent years and has caused tremendous erosion problems, etc. The construction now proposed will cause even more run-off. Area residents were also concerned about the considerable loss of trees in this area which would result from the proposed development. In response to Mr. Chamberlain's question, Mr. Miller explained that the City's tree preservation procedures emphasize preservation of trees in the 4-inch to 10-inch diameter range. Mr. Kramer noted the concerns about the volume of flow in the Elliott Drain, and inquired as to whether that drain could or should be improved at this time.

Tom Thompson of 6285 Rochester Road (four parcels north of Ottawa) stated that his property was adjacent to the Peacock property, and that alterations to their site have made the flooding problems in this area worse. His property is at the lowest elevation in the Section. He was concerned that the proposed detention basin may not be adequate. He commented that backyards in this area have not been usable for two years.

Milton Curtis of 875 Ottawa stated that his property would become the new "corner lot" in the area as it will lie along the west side of the proposed street extending north from Ottawa. He inquired as to where the storm drain facilities will be connected in this area, and why access must be provided to this development from Ottawa other than just from Rochester Road. He also inquired as to who would be responsible for maintenance of the margin along the west side of the proposed street, and the maintenance of the detention basin.

Mr. McComb stated that the detention basin will outlet to Rochester Road. The basin will be shallow-sloped and unfenced. Access to Rochester Road is not available as the property does not front on Rochester Road.

The Commission advised Mr. Curtis that he would be responsible for maintenance of the area along the west edge of the proposed street.

Tom Patton of 841 Ottawa expressed concern about the change in character of the neighborhood which will result from the proposed development, which involves lots which are much smaller than the existing lots in the area along Ottawa. Considering the water problems, the road problems, and the potential loss of trees in this area, he felt that it would be far preferable to establish a park in the area rather than the proposed development.

Alex Muezynski of 830 Ottawa stated that storm sewers in the area are already over capacity. He felt that the plan should be rejected until the developers find another way of providing access and improving storm sewers.

In response to Mr. Chamberlain's question regarding lot-size compatibility, Mr. Keisling noted the actions which occurred in the area of the Willison Subdivision on Square Lake between Livernois and Crooks. In that case the City's Attorneys advised that a subdivision development meeting Ordinance requirements should be approved, even though the proposed lots are smaller than the adjacent lots. Mr. Chamberlain further commented that this area apparently has a substantial storm water problem, and that solutions to the problem must be found.

Moved by Waller

Seconded by Kramer

RESOLVED, that action on the Preliminary Plan for the proposed Peacock Farms Site Condominium, in the area west of Rochester Road and north of Square Lake Road be tabled until the July 24th Study Meeting, in order to enable further study as to the storm water situation in the area, and the potential disparity of lot sizes.

Yeas: All Present (9)

Absent: None

MOTION CARRIED

Mr. Reece and Mr. Wright commented that information as to elevation of adjacent properties and potential cross-sections in the rear yard drainage areas should be provided.

9. SITE PLAN REVIEW – Preliminary Plan Approval of Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3

Mr. Miller stated that this proposal was postponed at the June 12, 2001 Regular Meeting. At this meeting there were five residents of the Ottawa/Marengo/Rochester area who presented stormwater drainage problems to the Planning Commission. A correspondence from City Management is provided in the agenda packet that addresses some of the storm water concerns. In addition, Steve Vandette, City Engineer, was requested to attend the Study Meeting to answer questions related to the storm water problems. Further he stated, additional topographic information was added to the site plan as requested by the Planning Commission. There are no known violations on the subject property and the City Engineer will answer questions. All Zoning Ordinance requirements continue to be met. The Planning Department recommends approval of the Preliminary Site Plan.

Mr. Storrs commented regarding the difference of the road pavement on the west end of the proposed development. Mr. Miller stated that pavement is only a half width to allow the alignment of Oberlin Street, which is unusual, because it is currently only 25 feet wide. When the property to the west is to be developed, a full width right-of-way and street would be installed.

Mr. Chamberlain asked, what is the City doing to solve the storm water problems near the proposed development?

Steve Vandette, City Engineer, addressed the storm water drainage problems. Initially, he demonstrated that the storm water flows to Rochester Road, and the existing rear yard drains had silted up. These private drains are no longer functioning. City staff met with the Rochester Road frontage property owners regarding a rear yard drain program to alleviate rear yard drainage problems. This started approximately 2-3 months ago. The City will build catch basins and storm sewers without cost to the property owners. A meeting is scheduled to meet with property owners to finalize this plan. The Public Works Department will be responsible for these improvements. Even if Peacock Farms is never constructed, these rear yard storm sewers will be constructed by the City. Mr. Vandette stated that the project would outlet to Rochester Road and will be constructed in 2001.

Further, Mr. Vandette stated that the drains will help dry out the rear yard areas of the homes adjacent to the proposed Peacock Farms, and storm water will be directed into the detention basin. This basin is designed for a 10 year storm. It has an overflow system of swales and ditches. This development would provide a storm sewer system that will improve the storm drainage patterns.

Mr. Littman asked if this development and the City Project will help the Marengo area drainage problem. Mr. Vandette stated he was not sure if the situation will improve and

that anyone who lives in this Marengo area and has water problems should contact Tim Richnak of the Public Works Department – Streets and Drains.

Mr. Kramer stated that way more detail than normal was provided. Peacock Farms will help solve some of the problems. He is in favor of approving the Peacock Farms Site Condominium.

Bob McComb, a representative from Peacock Farms, stated that Peacock Farms will reduce water volume to the Rochester Road properties. Mr. Storrs asked about the grades at the property lines. Mr. McComb replied that there will be a swale system. Al Bayer, Engineer with Nowack and Frauss, explained the new cross-sections were provided on the site plan. Mr. Chamberlain asked if there were any further comments from the audience.

Jane Bisson, 6295 Rochester Road, noted that Lot 3 has had the lowest elevation on Rochester Road for the last seven (7) years and has been wet for the last two (2) years. If there is going to be rear yard drains installed, and a neighbor does not have rear yard drains on their property, is her drain going to have to handle their flow. Mr. Vandette stated that Peacock Farms storm water drainage will reduce that storm water flow to the Rochester Road properties.

Tom Patton, 841 Ottawa, stated he has heard several inaccuracies and that there has been water near his garage and basement. He noted concern of the lowering of property values because the proposed units are smaller than the existing lots.

Dan Lilly, 926 Marengo, stated that he has one of the lowest elevations. Both his shed and house are near the 100 year flood plain. Water comes very close to his house.

Mr. Chamberlain stated that the Marengo residents should get together and submit in writing to the City their flood problems; specifically, Tim Richnik.

Ms. Bluhm stated this is a site plan and there is not a lot of flexibility. If it meets all the Zoning Ordinance requirements, then it has to be approved. The Planning Commission cannot take into account the reduction of property values. Mr. Chamberlain stated that ten (10) years ago we did deny a development on this very basis and the City was not successful in court litigation.

Mr. Waller stated that he is satisfied with the proposed development and it has adequately met the Zoning Ordinance requirements.

Resolution

Moved by: Littman

Seconded by: Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Peacock Farms, in the area west of Rochester Road and north of Square Lake Road, be approved.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

10. PUBLIC COMMENT

Jane Bisson, 6295 Rochester Road, asked if property in litigation could be developed?

Cheryl Nielsen, 900 Marengo, stated that someone is bulldozing debris into the private drain south of Marengo. Ms. Bluhm stated that evidence, such as photographs and/or license plate numbers need to be gathered.

John Weyhrauch, 2088 Highbury, commented on St. Petka Church, and stated that it should include a joint driveway with the High School. Please work towards the provision of a joint driveway.

11. GOOD OF THE ORDER

Mr. Miller stated that St. Petka is proposing to eliminate the joint driveway and it will be presented at the August Regular Meeting. In addition, the Wetlands Map shows potential wetlands at this site.

Mr. Waller stated that City Council does need to give the Planning Commission some direction regarding cross-access for condominiums.

Mr. Storrs commented that when we make our decisions, we need to think of the next 30 years.

Mr. Miller noted the reappointment of Jordan Keoleian as Student Representative to the Planning Commission. Mr. Keoleian stated he was very pleased to continue as part of the Planning Commission.

Tuesday June 12, 2001

TROY CITY PLANNING COMMISSION

Troy City Hall
500 West Big Beaver
Troy, Michigan 48084

SUBJECT: Proposed PEACOCK FARMS Site Condominiums

To the Esteemed City Planning Committee of Troy;

On behalf of the Marengo, Ottawa & Rochester Road homeowners that are adjacent to the Peacock Farms condo site, we appreciate the infrastructure improvements that THE City of Troy has upgraded in our neighborhood. These improvements consist of sidewalks, water main upgrades and road re-surfacing. These improvements have all been positive to the neighborhood.

However, the proposal before the Planning Committee will be detrimental to these residences for several reasons, of which you will hear from various individuals tonight. Tonight I am speaking on behalf of the Marengo homeowners that WILL BE directly affected by the proposed condominium site.

Running through each of our properties is a creek known as the Elliot Drain. When my family & I moved to the neighbourhood 10-1/2 years ago, we thought that it would be great to have a little stream running through our backyard. This creek would dry up in the summer for a couple of months and during the fall and spring after rain storms or spring thaw, the water levels were reasonable with modest flow.

For the last couple of years, the creek never dries up. There is always a current of some type running through it, indicating to us that the flow of water into this creek is greater than originally thought or planned for by the city. We attribute the water volume increase directly to the creation of newly constructed homes upstream from our properties. Several meadows and lightly wooded areas have been exfoliated. New homes have been built on these properties with very little consideration to the bigger picture relative to water drainage. Several of these parcels of land would act as natural water runoff holding basins. Now that they are gone, the excess rain run-off is somehow diverted to this creek. Hence the increase in water flow through the Elliot Drain.

Proposed PEACOCK FARMS Site Condominiums

Currently the area known as Peacock Farms has several pockets of land that are deemed wet lands. These areas plus other areas of the field have become buffers to our properties from excessive water run-off. In the last couple of years the backyards of the Marengo properties have received tremendous volumes of water flowing through them. This water flow came from both the overflow of the creek and from the Peacock Farm land. This volume flow in some cases has swept across the entire depth of the back of our lots. This is more evident with the properties downstream on Marengo. The land erosion from the water volume increase has been tremendous in the last two years. The creek is creating a gorge that is a least three feet deep in several areas. Several large trees have succumbed to the excessive water.

Our fear is that as with any new residential construction project, that the property will be totally exfoliated. From a business standpoint this makes sense. However, from an existing homeowner's standpoint this will be the kiss of death. The Peacock farms property has quite a variety of young to mature trees with a healthy and established root system. The field is well covered with grasses and weeds that minimize excessive water flow. The natural setting aids 1) as a collection basin & 2) in soaking up the moisture. The cure is not to add more housing. This property is ideal for a city park.

If the property is exfoliated, and after the basements have been dug significant quantities of earth will remain. It is our believe that this material will be leveled over the property which in essence will increase the elevation difference greater than it already is. Again creating more water run-off.

By our estimates there will be approximately 60,500 square feet of roof surface from the planned homes to be built on this property. This surface area provides no benefit to the absorption of water. It contributes greatly to run off particularly if the roof water is permitted to run through open downspouts. The same will hold true for the proposed roads and sidewalks; the water will run off with no absorption into the ground.

Current Marengo homeowner's sump pumps are constantly pumping water from our foundations throughout the year. Even during the driest of summers. These new homes will also come equipped with sump pumps. These sump pumps will be constantly pumping water from their basements as they do in our homes. The land has a high water table. Again where will this water be pumped?

Proposed PEACOCK FARMS Site Condominiums

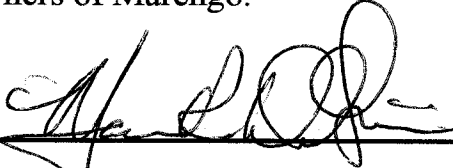
The same will hold true for the proposed roads and sidewalks; the water will run off with no absorption into the ground. We understand that the plans call for drainage, but so do the plans for the residential sites upstream. The water volume through the Elliot Drain has been steadily increasing for many years and no let up in site.

Allowing this condominium site proposal to go through with no significant changes to this site plan or an environmental impact study is totally unacceptable. The city has a responsibility to those residences that are currently ingrained in the community.

We look forward to hearing your proposed actions to our concerns with feedback or an action plan. We invite you to visit our properties during the good and most definitely during the bad weather. If you have any questions, concerns or require additional information regarding this very valid concern, please don't hesitate to contact the homeowners of Marengo.

Respectfully yours,

750 Marengo Drive



762 Marengo Drive

William E. Lipp John Sina

772 Marengo Drive

E. Kathleen Ruessegger

784 Marengo Drive

John W. Brinker

826 Marengo Drive

Russell Raserberg

834 Marengo Drive

Paul C. Crawford Gary E. Crawford

850 Marengo Drive

Kathleen M. Clark for Inez A. McIntyre

876 Marengo Drive

Mark Herrick

900 Marengo Drive

Bob Kiehn

914 Marengo Drive

David Black Christine Carter

926 Marengo Drive

Dal Riley Darne Riley

**F-7 Preliminary Plan Approval – Peacock Farms Site Condominium –
West of Rochester Road, North of Square Lake Road – Section 3**

Due to the large size of the scanned photos submitted by residents for Item F-7, photos will not be included in the E-packet and instead will be attached to the hard copy of the packet.

August 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Gert Paraskevin, Information Services Director
Jeanette Bennett, Purchasing Director
Steven Vandette, City Engineer

SUBJECT: Bid Waiver
Engineering Software Maintenance (Bentley Systems, Inc.)

RECOMMENDATION

On August 4, 1997 Troy City Council approved a two-year contract (Resolution 97-677-C-6) with C4 Engineering to maintain our Microstation and Bentley CAD and printing software applications. The contract was extended for one year in 1999 & 2000 with the manufacturer, Bentley Systems Inc. (Resolution #2000-457). The proposed maintenance contract would be for an additional two-year period at an estimated annual cost of \$19,783.40. This price reflects a 9% discount. Bentley Systems, Inc. has agreed to extend the contract under the same terms and conditions as the original contract. The contract expires 7/13/03.

PROJECT INFORMATION

- Bentley is the manufacturer of the software and sole provider of maintenance.
- The maintenance contract price is the same even if purchased through a reseller. The invoicing, even if the maintenance contract is purchased through a reseller, comes directly from Bentley Systems, Inc.
- The cost reflects a 5 % decrease over last year's unit price because of increase of dollar volume.
- The increased cost over previous contracts is for the addition of new software and software that was bought out by Bentley from Intergraph.
- Staff recommends moving to a floating-type license so that more than 20 people are authorized to use this product.
- Additional software may be added in the future at additional cost.
- The annual cost is estimated at \$19,783.40 since additional software may be added during the term of the maintenance contract.

BUDGET:

Funds are available from the following operating budget:

MICROSTATION:

Engineering

Account # 444-7980-030 (9 Copies) \$568.75 X 9 = \$5,118.75

MICROSTATION:

Traffic Engineering	Account # 446-7980-030 (1Copy)	\$568.75 X 1=	568.75
Parks and Recreation	Account # 752-7980-030 (1Copy)	\$568.75 X 1=	568.75
Real Estate and Development	Account # 740-7980-030 (3copies)	\$568.75 X 3=	1,706.25
DPW	Account # 516-7980-030 (2 Copies)	\$568.75 X 2=	1,137.50
Building	Account # 371-7980-030 (1copy)	\$568.75 X 1=	568.75
Planning	Account # 400-7802-180 (3 copies)	\$568.75 X 3 =	1,706.25

OTHER BENTLEY SOFTWARE:

Inroads Select Cad	Account # 444-7980-030 (5 Copies)	\$1,092.00X5=	\$5,460.00
Inroads Select Survey	Account # 444-7980-030 (2 Copies)	\$273.00X2=	546.00
Iplot Server	Account # 444-7980-030 (1Copy)	\$546.00X1=	546.00
Iplot Driver	Account # 444-7980-030 (1Copy)	\$546.00X1=	546.00

IPLOT CLIENT:

Engineering	Account # 444-7980-030 (9 Copies)	\$65.52 X 9 =	\$589.68
Traffic Engineering	Account # 446-7980-030 (1Copy)	\$65.52 X 1=	65.52
Parks and Recreation	Account # 752-7980-030 (1Copy)	\$65.52 X 1=	65.52
Real Estate and Development	Account # 740-7980-030 (3copies)	\$65.52 X 3=	196.56
DPW	Account # 516-7980-030 (2 Copies)	\$65.52 X 2=	131.04
Building	Account # 371-7980-030 (1copy)	\$65.52 X 1=	65.52
Planning	Account # 400-7802-180 (3 copies)	\$65.52 X 3 =	<u>196.56</u>

TOTAL ESTIMATED COST:

\$19,783.40



August 15, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY
RE: CITY OF TROY v. WALLACE RUSSELL et. al

In order to complete the widening of Rochester Road, it was necessary for the City to acquire Russell's Mobil gas station and the Bottles & Bytes Party Store. The 36,369 square foot parcel is located on Rochester Road near the I-75 interchange, and was owned by Wallace and Joyce Russell.

Attached is a proposed settlement of this condemnation case in the amount of the mediation award. I believe the proposed settlement is in the best interest of the City, and I recommend approval of the proposed consent judgment.

If you have any questions, please let me know.

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

**CITY OF TROY, a Michigan
municipal corporation,**

Plaintiff,

v

**Case No. 99-015901-CC
Hon. Wendy L. Potts**

**WALLACE RUSSELL; RUSSELL's
MOBIL SERVICE, INC.; THREE D&W
LTD., INC., d/b/a BOTTLES & BYTES;
MOBIL OIL CORPORATION, a New York
corporation; CHARTER NATIONAL BANK;
COUNTY OF OAKLAND; DETROIT EDISON;
and AMERITECH,**

Defendants.

Lori Grigg Bluhm (P46908)
Attorney for Plaintiff
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
(248) 524-3320

STEINHARDT PESICK & COHEN,
Professional Corporation
By: Jerome P. Pesick (P29039)
Attorneys for Defendants Russell and Three
D&W Ltd.
28400 Northwestern Highway
Suite 120
Southfield, Michigan 48034
(248) 356-5888

CONSENT JUDGMENT

At a session of said Court held in the Courthouse
located in the City of Pontiac, Oakland County,
Michigan

on _____

PRESENT: Hon. _____
Circuit Court Judge

The parties having stipulated on the record in open Court on July 31, 2001, to the entry of this Consent Judgment, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Plaintiff City of Troy ("Plaintiff") shall pay \$300,000.00 to Defendants Wallace Russell, Russell's Mobil Service, Inc. and Three D&W Ltd., Inc. d/b/a Bottles and Bytes (hereinafter collectively referred to as "Defendants"), as additional principal just compensation, over and above all amounts previously paid in this action. This amount, together with payments previously made by Plaintiff to Defendants in this action, shall represent the total principal just compensation to be paid by Plaintiff to Defendants by reason of the taking of the property which is the subject of this action.

2. Notwithstanding the foregoing, Plaintiff shall retain \$50,000.00 of the additional principal just compensation payable pursuant to Paragraph 1 above, in full and complete settlement of any and all claims that Plaintiff may have against Defendants arising out of any release or existence of environmental contaminants and hazardous substances (collectively "Contaminants") at, on, under, or from the subject property, and for the cost recovery of any environmental clean up necessitated by any such Contaminants. Accordingly, Plaintiff shall make

a net payment of additional principal just compensation to Defendants in the amount of \$250,000.00.

3. Plaintiff hereby assumes responsibility for any and all environmental clean up necessitated by any release or existence of Contaminants at, on, under, or from the subject property, and for obtaining a closure of the site pursuant to MCL 324.21301 et. seq.; MSA 13A.21301 et. seq., or any other applicable state, federal, or local environmental statute or regulation. Accordingly, Plaintiff hereby releases Defendants and holds them harmless from any and all liability of any kind pertaining to the release or existence of Contaminants at, on, under, or from the subject property, and/or any clean up necessitated by such Contaminants.

4. Pursuant to MCL 213.65; MSA 8.265(15), Plaintiff shall pay statutory interest to Defendants on the \$250,000.00 additional net payment, from the date of surrender of possession herein (September 27, 1999), through the date of payment of the \$250,000.00.

5. Pursuant to MCL 213.66; MSA 8.265(16), Plaintiff shall reimburse the expert witness fees incurred by Defendants as follows:

Delta Consulting (fixture appraisals)	\$ 9,000.00
Burgoyne Appraisal Company (real estate appraisals)	\$18,000.00
Equity Partners, Ltd. (Business valuations)	\$25,629.00

These payments shall be made directly to Defendants.

6. Pursuant to MCL 213.66; MSA 8.265(16), Plaintiff shall reimburse the attorney fees incurred by Defendants in the form of a check(s) payable to Steinhardt Pesick & Cohen, Professional Corporation, as follows:

a. A one-third attorney fee on the \$157,045.65 in interim increases previously paid in this case, in the amount of \$52,348.55.

b. A one-third attorney fee on the \$250,000.00 net principal increase being paid pursuant to Paragraph 1 above, in the amount of \$83,333.33, together with one-third of the interest to be paid on the \$250,000.00 net principal increase.

7. This Consent Judgment resolves all outstanding disputes and claims between Plaintiff and Defendants.

8. This Consent Judgment shall become effective upon its approval by Plaintiff's City Council, and it shall be presented to Plaintiff's City Council for such approval at its regularly scheduled meeting on August 20, 2001. Upon approval by Plaintiff's City Council, payment of the sums set forth herein shall

be delivered on or before August 31, 2001.

THIS JUDGMENT RESOLVES THE LAST
PENDING CLAIM IN THIS PROCEEDING AND
CLOSES THE CASE.

CIRCUIT COURT JUDGE

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

Plaintiff City of Troy and Defendants Wallace Russell, Russell's
Mobile Service, Inc., and Three D&W Ltd., Inc., d/b/a Bottles & Bytes, by and
through their respective counsel, hereby stipulate to the entry of the attached
Consent Judgment.

STEINHARDT PESICK & COHEN,
Professional Corporation

Lori Grigg Bluhm (P46908)
Attorneys for Plaintiff

By: _____
Jerome P. Pesick (P29039)
Attorneys for Defendants
Russell and Three D&W Ltd.

August 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Preliminary Engineering Services for
(a) Maple Road, Coolidge to Eton – Project No. 92.202.5
(b) Westbound Maple Road Right Turn Lane Extension at Coolidge –
Project No. 00.105.5

BACKGROUND INFORMATION

The Engineering Department advertised for un-priced technical proposals, as required by federal guidelines for federally funded projects, for Preliminary Engineering Services for the Maple Road reconstruction project and the westbound Maple Road right turn lane extension at Coolidge Road. On June 12, 2001 proposals were received from the following four consultants:

1. Ayres, Lewis, Norris & May, Inc., 3959 Research Park, Ann Arbor, MI
2. Finkbeiner, Pettis & Strout, Inc., 41441 Eleven Mile, Novi, MI
3. Hubbell, Roth & Clark, Inc., 555 Hulet, Bloomfield Hills, MI
4. Orchard, Hiltz & McCliment, Inc., 34935 Schoolcraft, Livonia, MI

In accordance with the MDOT Consultant Selection process (Exhibit 1), a three person review committee consisting of Steve Vandette, City Engineer; Bill Huotari, Deputy City Engineer; and Dennis Dembiec, Director of Engineering for the City of Birmingham rated the consultants based on each firm's understanding of the project, past experience with similar projects and other items as listed on the review sheet (Exhibit 2). Based on the rating results, Hubbell, Roth and Clark, Inc. received the highest score. Total final scores for all consultants are presented in Exhibit 3. As the top rated consultant, HRC was asked to submit a priced proposal based on guidelines prepared by the Engineering Department.

PROPOSAL INFORMATION

(a) Maple Road, Eton to Coolidge

Preliminary Engineering Services for Maple Road were estimated by the Engineering Department at \$125,400.00 or 5% of the estimated \$2,508,000.00 construction cost. The fee for Preliminary Engineering submitted by HRC is \$111,403.07, or 4.4% of the estimated construction cost. Sub-consultant work by Mansell and Associates (traffic signals) and Testing Engineers & Consultants (testing and soil borings) are \$14,865.19 and \$5,188.67, respectively. The total not-to-exceed preliminary engineering amount submitted is \$131,456.93 or 5.2% of the estimated construction cost. A detailed

breakdown of costs is included in the attached copy of the HRC priced proposal (Exhibit 4).

The following table details the cost for Preliminary Engineering if it were submitted under the General Engineering Services Contract as compared to the actual cost submitted based on the priced proposal. Hubbell, Roth & Clark, Inc. is currently under a separate City contract to provide General Engineering Services (Resolution No. 2001-05-259-E-7; May 21, 2001).

Item	General Engineering Services	Priced Proposal	Difference
HRC	\$132,873.84	\$111,403.07	(21,470.77)
Mansell & Associates	\$14,865.19	\$14,865.19	0.00
TEC	\$5,188.67	\$5,188.67	0.00
TOTALS	\$152,927.70	\$131,456.93	(\$21,470.77)

The General Engineering Services Agreement, for the Design Phase, is based on a percentage of the final construction cost, according to the schedules, as defined in Payments for Engineering Services, Part B of Exhibit 5. For a project in between \$1,000,000 and \$3,000,000 and a Class 2 type project, the estimated fee is 5.298%. Sub-consultant fees are not a part of the General Engineering Services agreement and are direct costs to the City as required by the project.

(b) Westbound Maple Road right turn lane extension at Coolidge

Preliminary Engineering Services for the right turn lane extension were estimated by the Engineering Department at \$5,100.00 or 5% of the estimated \$102,000.00 construction cost. The fee for Preliminary Engineering submitted by HRC is \$7,857.71, or 7.7% of the estimated construction cost. Sub-consultant work by Testing Engineers & Consultants (testing and soil borings) is \$2,835.70. The total not-to-exceed preliminary engineering amount submitted is \$10,693.41 or 10.5% of the estimated construction cost. A detailed breakdown of HRC costs is included in the attached copy of the HRC priced proposal (Exhibit 6).

The following table details the cost for Preliminary Engineering if it were submitted under the General Engineering Services Contract as compared to the actual cost submitted based on the priced proposal. Hubbell, Roth & Clark, Inc. is currently under a separate City contract to provide General Engineering Services (Resolution No. 2001-05-259-E-7; May 21, 2001).

Item	General Engineering Services	Priced Proposal	Difference
HRC	\$8,146.74	\$7,857.71	(\$289.03)
TEC	\$2,835.70	\$2,835.70	0.00
TOTALS	\$10,982.44	\$10,693.43	(\$289.03)

The General Engineering Services Agreement, for the Design Phase, is based on a percentage of the final construction cost, according to the schedules, as defined in Payments for Engineering Services, Part B of Exhibit 5. For a project in between \$100,000 and \$400,000 and a Class 2 type project, the estimated fee is 7.987%. Sub-consultant fees are not a part of the General Engineering Services agreement and are direct costs to the City as required by the project.

The projects were included in the same request for proposals to allow for one consulting firm to complete the design as both projects are to be constructed as part of one contract.

RECOMMENDATION:

The short time frame for the Maple Road reconstruction project and the westbound Maple Road right turn lane at Coolidge demands manpower and technical engineering services that exceed the Engineering Department's capacity to deliver them, while still providing the required services to the public and other city capital projects included in the FY 2001/02 Capital budget. As can be seen in the Priced Proposal received from HRC, the total hours estimated to complete the preliminary engineering for both projects is 2,145 hours. The Engineering Department does not have sufficient staff to dedicate personnel to this design.

Staff recommends awarding the Preliminary Engineering services for the Maple Road, Eton to Coolidge project to HRC and authorizing the Mayor and Clerk to execute the Construction Engineering Agreement for a not to exceed fee of \$131,456.93. Additionally, staff recommends awarding the Preliminary Engineering services for the westbound Maple Road right turn lane extension at Coolidge to HRC for a not to exceed fee of \$10,693.43.

The consultant selection process used by the City along with the Preliminary Engineering Agreement will also be reviewed and approved by the MDOT prior to final execution of the agreement for the Maple Road, Eton to Coolidge project.

BUDGET

Funds are available for preliminary engineering in the 2001-02 Major Road Capital budget, account number 401479.7989.922025. The City of Troy contribution for the preliminary engineering phase of the Maple Road, Eton to Coolidge project is \$33,061.68. Along with the City capital funds are Federal funds in the amount of \$40,000.00 and the City of Birmingham match of \$58,395.25.

The City of Troy and City of Birmingham share of the local match is based on the Cost Participation agreements approved by both communities. Based on these agreements, the City of Troy is responsible for 36.15% of the local match while the City of Birmingham is responsible for 63.85% of the local match for the Maple Road, Eton to Coolidge project.

The City of Troy is responsible for all of the preliminary engineering costs for the westbound Maple Road right turn lane extension at Coolidge. Funds are available for preliminary engineering for this project in 401479.7989.001055.

EXHIBIT 1

Consultant Selection Process

If an agency would like to use the services of a consultant, and federal funds will reimburse the costs incurred, a proper consultant selection process is required according to federal regulations. If an agency would like to use the services of a consultant, and state funds will reimburse the costs incurred, a proper consultant selection process is recommended according to MDOT policy. The Brooks Act requires that work performed by an engineering or architectural company will be selected using a qualifications-based procedure. Selecting a consultant based solely on the bid price is not acceptable.

The documentation that the local agency must submit to the Local Agency Programs Section is as follows:

- ▶ Letter stating that the agency does not have the resources to perform the necessary work.
- ▶ Copy of the advertisement of the project for interested consultants.
- ▶ Listing of firms that show interest.
- ▶ Consultant selection criteria for submission of detailed bids **(the criteria may not include price as a factor or exclude non-local consultants)**.
- ▶ Copy of the request for proposal (RFP), which includes pertinent dates, project description, location map, and the MDOT "boiler plate" agreement.
- ▶ Basis for final selection **(the justification may not include price as a factor)**.
- ▶ Copy of the evaluation form that will be used to rate the consultant's performance upon completion of the contract.

Deviation from the outlined procedure is prohibited and may result in non participatory consultant costs. For questions regarding this information, please contact the staff engineer in your area.

Sample Criteria

Price cannot be a factor

- ▶ Qualifications and experience of personnel, especially key project personnel with similar federally funded work.
 - ▶ Familiarity with federal, state and local policies and regulations associated with projects advertised, let and awarded through MDOT.
 - ▶ Proximity to the project site or your agency's offices.
 - ▶ Understanding of the project.
 - ▶ Availability of the firm to provide the services within the established time frame (can include past evidence that the consultant completes engineering service contracts on time and within the financial terms of the agreement).
 - ▶ Professional integrity and competence.
-

SAMPLE EVALUATION

The selection process includes evaluation of the information provided by the prime consultant and sub-consultants, plus existing post-evaluations on the prime and sub-consultants (if available). This sample evaluation is based on the criteria described above and scored using the following relative weights:

CRITERIA	NUMBER OF POINTS
Experience and Qualification:	
Prime Firm	15
Sub-Consultants	5
Project Manager	10
Staff	10
Quality Assurance	15
Capacity	5
Past Performance	15
Understanding	10
Location	15
Maximum Total Points =	100 points

TECHNICAL UN-PRICED PROPOSAL REVIEW
MAPLE ROAD, ETON TO COOLIDGE

Firm:

Item No.	Task	Grade	Weight	Total	Comments
1.	Experience & Qualifications				
	a. Road Experience		4		
	b. Project Manager		3		
	c. Lead Road Engineer		3		
	d. Lead Utility Engineer		2		
	e. Lead Surveyor		2		
	f. Other Staff		2		
	g. Past Performance of Firm		4		
2.	Technical Approach				
	a. Understanding of Project Requirements		2		
	b. Work Plan		6		
	c. Distribution of Work		2		
	d. Schedule		2		
	Firm Total				

Grade on a scale of 1-5 with 1 representing the lowest and 5 representing the highest.

General Comments:

Reviewer_____

Date_____

**PRELIMINARY ENGINEERING SERVICES FINAL REVIEW
MAPLE ROAD, ETON TO COOLIDGE & WESTBOUND MAPLE ROAD AT COOLIDGE
PROJECT NO. 92.202.5 AND 00.105.5**

The table below lists the total scores as determined by the review committee. Based on these final review scores, Hubbell, Roth & Clark, Inc. is the highest rated consultant.

Firm	Totals
Hubbell, Roth & Clark	454
Finkbeiner, Pettis & Strout	430.5
Orchard, Hiltz & McCliment	411.5
Ayres, Lewis, Norris & May	333

DERIVATION OF COST PROPOSAL**EXHIBIT 4****Maple Road Reconstruction - Eton to Coolidge**

City of Troy Project No. 92.202.5

**PRIME CONSULTANT
HUBBELL, ROTH & CLARK, INC.****DIRECT LABOR**

Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Project Manager/Associate	129		\$36.50		\$4,708.50
Associate	23		\$36.50		\$839.50
Staff Engineer	243		\$28.00		\$6,804.00
Graduate Engineer	256		\$21.00		\$5,376.00
Senior Technician	375		\$22.50		\$8,437.50
Chief of Survey	46		\$33.00		\$1,518.00
Technician	484		\$20.00		\$9,680.00
Survey Party Chief	28		\$26.00		\$728.00
Instrument Person	28		\$17.00		\$476.00
Rod Person	28		\$13.00		\$364.00
Total Hours	1,640		Total Labor		\$38,931.50

OVERHEAD

Total Labor x 148.01%	Total Overhead	\$57,622.51
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FACILITIES COST OF CAPITOL (FCC)

Total Labor x 0.94%	Total FCC Cost	\$365.96
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FIXED FEE

(Total Labor + Total Overhead) x 15%	Total Fixed Fee	\$14,483.10
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DIRECT EXPENSES

(Listed by item at actual cost to you - NO MARK UP.)

Total Direct Costs	<u>\$0.00</u>
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TOTAL COSTS	\$111,403.07
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DERIVATION OF COST PROPOSAL**Maple Road Reconstruction - Eton to Coolidge****City of Troy Project No. 92.202.5****SUB-CONSULTANT
MANSELL & ASSOCIATES****DIRECT LABOR**

Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Engineer V	17		\$38.00		\$646.00
Engineer IV	27		\$27.00		\$729.00
Engineer III	54		\$24.00		\$1,296.00
CADD Operator IV	76		\$19.00		\$1,444.00
CADD Operator III	76		\$17.50		\$1,330.00
Drafter IV	30		\$10.00		\$300.00
	Total Hours		280		
			Total Labor		\$5,745.00

OVERHEAD

Total Labor x 125% **Total Overhead** \$7,181.25

FACILITIES COST OF CAPITOL (FCC)

Total Labor x 0% **Total FCC Cost** \$0.00

FIXED FEE

(Total Labor + Total Overhead) x 15% **Total Fixed Fee** \$1,938.94

DIRECT EXPENSES

(Listed by item at actual cost to you - NO MARK UP.)

Total Direct Costs \$0.00

TOTAL COSTS **\$14,865.19**

DERIVATION OF COST PROPOSAL**Maple Road Reconstruction - Eton to Coolidge****City of Troy Project No. 92.202.5****SUB-CONSULTANT
TESTING ENGINEERS & CONSULTANTS, INC.****DIRECT LABOR**

Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Associate	2		\$45.19		\$90.38
Project Manager	25		\$25.00		\$625.00
Driller - Senior Technician	9		\$21.11		\$189.99
Driller - Technician	11		\$13.07		\$143.77
Laboratory Technician	15		\$20.80		\$312.00
Staff Engineer	2		\$18.75		\$37.50
Clerical	6		\$13.50		\$81.00
Total Hours	70		Total Labor		\$1,479.64

OVERHEAD

Total Labor x 171.8% **Total Overhead** \$2,542.02

FACILITIES COST OF CAPITOL (FCC)

Total Labor x 1.20% **Total FCC Cost** \$17.76

FIXED FEE

(Total Labor + Total Overhead) x 15% **Total Fixed Fee** \$603.25

DIRECT EXPENSES

(Listed by item at actual cost to you - NO MARK UP.)

Milage (50 miles @ \$0.42/mile) \$21.00
Permits and Bonds (if required) \$400.00
Equipment Rental \$125.00
Total Direct Costs \$546.00

TOTAL COSTS **\$5,188.67**

DERIVATION OF COST PROPOSAL**Maple Road Reconstruction - Eton to Coolidge**

City of Troy Project No. 92.202.5

**SUMMARY BY JOB NUMBER AND BY CATEGORY
HUBBELL, ROTH & CLARK, INC. AND SUBCONSULTANTS****DIRECT LABOR****PRIME CONSULTANT(S)**

Hubbell, Roth & Clark, Inc.	Direct Labor Hours	1,640	Direct Labor Costs	\$38,931.50
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SUB-CONSULTANTS

Mansell & Associates	Direct Labor Hours	280	Direct Labor Costs	\$5,745.00
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Testing Engineers & Consultants, Inc.	Direct Labor Hours	70	Direct Labor Costs	\$1,479.64
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Total Direct Labor Costs				\$46,156.14
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OVERHEAD**PRIME CONSULTANT(S)**

Hubbell, Roth & Clark, Inc.	Overhead Costs	\$57,622.51
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SUB-CONSULTANTS

Mansell & Associates	Overhead Costs	\$7,181.25
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Testing Engineers & Consultants, Inc.	Overhead Costs	\$2,542.02
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Total Overhead Costs		\$67,345.78
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FACILITIES COST OF CAPITOL**PRIME CONSULTANT(S)**

Hubbell, Roth & Clark, Inc.	FCC Costs	\$365.96
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SUB-CONSULTANTS

Mansell & Associates	FCC Costs	\$0.00
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Testing Engineers & Consultants, Inc.	FCC Costs	\$17.76
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Total FCC Costs		\$383.71
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FIXED FEE**PRIME CONSULTANT(S)**

Hubbell, Roth & Clark, Inc.	Fixed Fee Costs	\$14,483.10
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SUB-CONSULTANTS

Mansell & Associates	Fixed Fee Costs	\$1,938.94
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Testing Engineers & Consultants, Inc.	Fixed Fee Costs	\$603.25
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Total Fixed Fee Costs		\$17,025.29
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DIRECT EXPENSES**PRIME CONSULTANT(S)**

Hubbell, Roth & Clark, Inc.	Direct Costs	\$0.00
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SUB-CONSULTANTS

Mansell & Associates	Direct Costs	\$0.00
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Testing Engineers & Consultants, Inc.	Direct Costs	\$546.00
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Total Direct Costs		\$546.00
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TOTAL COSTS FOR THIS JOB**\$131,456.93**

DERIVATION OF COST PROPOSAL**Maple Road Reconstruction - Eton to Coolidge****City of Troy Project No. 92.202.5****SUMMARY BY CONSULTANT****Design Engineering Services**

	<u>PE Hours</u>	<u>PE Cost</u>	<u>Fixed Fee</u>	<u>DBE Y/N</u>	<u>% of Cost</u>
PRIME CONSULTANT					
Hubbell, Roth & Clark, Inc	1,640	\$96,919.97	\$14,483.10	N	85%
SUB CONSULTANT					
Mansell & Associates	280	\$12,926.25	\$1,938.94	Y	11%
Consultants, Inc.	70	\$4,585.42	\$603.25	N	4%
Totals	<u>1,990</u>	<u>\$114,431.64</u>	<u>\$17,025.29</u>		<u>100%</u>

**Proposed Person Hours by PPMS Task
Maple Road Reconstruction
Eton to Coolidge**

Task Number	PPMS Task Description	Firm	Proj. Manager/ Assoc.	Associate	Staff Engineer	Grad Engineers	Chief of Survey	Senior Technician	Technician	Survey Party Chief	Instrument Person	Rod Person	Total By Task
3330, 3340 & 50	Conduct All Surveys		2	0	0	4	10	20	0	24	24	24	108
		HRC	2			4	10	20		24	24	24	
3330	Prepare Final Survey Report		1	1	0	4	20	10	0	0	0	0	36
		HRC	1	1		4	20	10					
3110, 3510 & 3530	Roadway Geotechnical Investigation		29	2	2	0	1	9	32	4	4	4	87
		HRC	4				1			4	4	4	
		TEC	25	2	2			9	32				
3361	Submittal of Preliminary ROW Plans		5	1	10	20	10	10	75	0	0	0	131
		HRC	5	1	10	20	10	10	75				
3380	Review Base Plans		4	1	4	0	0	0	0	0	0	0	9
		HRC	4	1	4								
3390	Develop Construction Zone Traffic Control Concepts		8	0	16	0	0	0	20	0	0	0	44
		HRC	8		16				20				
3360	Prepare Base Plans		15	2	60	50	0	65	65	0	0	0	257
		HRC	15	2	60	50		65	65				
	Develop Preliminary Master Storm Design		4	1	0	20	0	20	0	0	0	0	45
		HRC	4	1		20		20					
3560	Conduct Preliminary Geometric & Roadside Safety Review		4	1	10	0	0	0	0	0	0	0	15
		HRC	4	1	10								
3625	Develop Preliminary Electrical Plans		4	0	0	0	0	60	30	0	0	0	94
		HRC	4					60	30				
3540	Develop Construction Zone Traffic Control Plan		5	1	15	15	0	30	20	0	0	0	86
		HRC	5	1	15	15		30	20				
3550	Develop Preliminary Traffic Operations Plan		17	1	32	64	0	64	88	0	0	0	266
		HRC	5	1	10	20							
		MA	12		22	44		64	88				
3590	Review Preliminary Plans		6	1	8	0	0	0	0	0	0	0	15
		HRC	6	1	8								
3610	Compile Utility Information		0	0	0	8	0	0	4	0	0	0	12
		HRC				8			4				
3620	Develop Preliminary Municipal Utility Plans		6	0	10	10	0	0	20	0	0	0	46
		HRC	6		10	10			20				
3580	Develop Preliminary Plans		10	2	30	30	0	70	70	0	0	0	212
		HRC	10	2	30	30		70	70				
3581	Final Right-of-Way Plans		5	1	10	10	5	10	10	0	0	0	51
		HRC	5	1	10	10	5	10	10				
3660	Resolve Utility Issues		4	0	5	5	0	0	10	0	0	0	24
		HRC	4		5	5			10				
	Prepare Final Master Storm Design		2	0	0	10	0	0	0	0	0	0	12
		HRC	2			10							
3670	Prepare Final Municipal Utility Plans		2	0	10	0	0	0	10	0	0	0	22
		HRC	2		10				10				
3675	Prepare Final Electrical Plans		5	4	0	0	0	50	20	0	0	0	79
		HRC	5	4				50	20				
3680	Obtain Permits		2	0	5	0	0	0	0	0	0	0	7
		HRC	2		5								
3720	Submit Enviro. Permit App.		1	0	5	0	0	0	10	0	0	0	16
		HRC	1		5				10				
3730	Obtain Enviro. Permit App.		0	0	5	0	0	0	0	0	0	0	5
		HRC			5								
3810	Conduct Final Geometric & Roadside Safety Review		2	1	0	10	0	0	20	0	0	0	33
		HRC	2	1		10			20				
3820	Prepare Final Traffic Operations Plan		7	0	10	20	0	12	58	0	0	0	107
		HRC	2		5	10			40				
		MA	5		5	10		12	18				
3830	Prepare Final Construction Zone Traffic Control Plans		6	0	5	10	0	0	20	0	0	0	41
		HRC	6		5	10			20				
3840	Develop Final Plans and Specifications		15	5	20	20	0	30	40	0	0	0	130
		HRC	15	5	20	20		30	40				
Total Hours by Classification			171	25	272	310	46	460	622	28	28	28	1990

Summary of Hours by Firms & by Job Classification

Hubbell, Roth & Clark	HRC	129	23	243	256	46	375	484	28	28	28	1640
Mansell & Associates	MA	17	0	27	54	0	76	106	0	0	0	280
Testing Engineers & Consultants	TEC	25	2	2	0	0	9	32	0	0	0	70
1990												

- EXHIBIT 5**
5. Checking detailed construction drawings, shop and erect cost reports of materials and equipment submitted by compliance with design concept;
 6. The assignment of certified storm water management operators for construction sites to assure MDEQ requirements are followed;
 7. The assignment of certified soil erosion and sedimentation control operators to meet Act 451 of the Public Acts of 1994, Part 91.

Payments For Engineering Services

A. Preliminary or "Design Report" Phase

Due to the uncertain nature of the scope and extent of preliminary phase work, we propose to invoice for services performed on a time basis as described below.

The fee for work done on a time basis will be the hourly rate of the employee doing the work, plus a factor of 1.8 times the hourly rate. This factor covers unemployment and payroll taxes, contributions for Social Security, retirement benefits, medical and life insurance benefits, overhead plus a reasonable margin for contingencies, readiness to serve, and profit.

Attached is a list of our 1998 Hourly Rate Schedule which is divided into categories based on employee classification. As requested, we have also provided the 1998 total hourly rate for various personnel which may be utilized during preparation of City projects.

B. Design Phase

The fees for the Design Phase of public works projects will be divided into two classes. Class 1 projects will include drain enclosures, channel improvements, sanitary sewers, water mains, pavement overlays or other projects not requiring detailed structural, mechanical or electrical design. Class 2 projects will include new road construction or reconstruction, sidewalks, bridges, pumping stations or others requiring detailed structural, mechanical or electrical design.

The fees for said classes will be based on a percentage of the final construction cost, including Change Orders, during construction according to the following schedules:

<u>Construction Cost</u>	<u>% Fee</u>	
	<u>Class 1</u>	<u>Class 2</u>
Up to \$100,000	6.7	8.0
400,000	5.4	6.1
600,000	5.1	5.9
1,000,000	4.8	5.6
3,000,000	4.2	5.2
5,000,000 & Over	4.0	4.8

The fee will be adjusted to the actual cost of construction at the completion of the work. Items of work that may have been designed and subsequently deleted will be paid for on the percentage fee applied to the estimated cost. For construction costs falling between the points enumerated above, the percent fee will be interpolated on a straight line basis.

C. Construction Phase

For the Construction Phase our fee shall be a percentage of the final construction cost including Change Orders during construction.

Construction Cost	% Fee	
	<u>Class 1</u>	<u>Class 2</u>
Up to \$100,000	2.7	3.0
400,000	2.2	2.4
600,000	2.0	2.3
1,000,000	1.9	2.3
3,000,000	1.6	2.0
5,000,000 & Over	1.6	1.9

For construction costs falling between the points enumerated above, the percent fee will be interpolated on a straight line basis.

D. Construction Observation, Construction Layout, and Material Testing

The fee for inspection and construction layout of construction projects will be on a time basis as described in Section A above.

E. Other Professional Engineering Services

The fee for miscellaneous additional services and other services as may be requested, including the bi-annual bridge inventory will be billed on a time basis unless other prior arrangements are made.

For the preparation of Special Reports, Feasibility Studies, or Master Plans, the fee may be an agreed upon lump sum to be determined at the time of authorization to proceed with the work or on a time basis as described above.

The time required to obtain approvals from the Michigan Department of Environmental Quality will be on a time basis.

For review of private development site plans, the fee will be 1.3% of the estimated construction cost for the improvements being reviewed with a minimum fee of not less than \$200 per site or subdivision or on a time basis as described above.

DERIVATION OF COST PROPOSAL**EXHIBIT 5****Maple Road Reconstruction - Eton to Coolidge, Right Turn Lane****City of Troy Project No. 92.202.5****PRIME CONSULTANT
HUBBELL, ROTH & CLARK, INC.****DIRECT LABOR**

Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Project Manager/Associate	7		\$36.50		\$255.50
Associate	1		\$36.50		\$36.50
Staff Engineer	20		\$28.00		\$560.00
Graduate Engineer	20		\$21.00		\$420.00
Senior Technician	20		\$22.50		\$450.00
Technician	40		\$20.00		\$800.00
Survey Party Chief	4		\$26.00		\$104.00
Instrument Person	4		\$17.00		\$68.00
Rod Person	4		\$13.00		\$52.00
Total Hours	120		Total Labor		\$2,746.00

OVERHEAD

Total Labor x 148.01%	Total Overhead	\$4,064.35
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FACILITIES COST OF CAPITOL (FCC)

Total Labor x 0.94%	Total FCC Cost	\$25.81
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FIXED FEE

(Total Labor + Total Overhead) x 15%	Total Fixed Fee	\$1,021.55
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DIRECT EXPENSES

(Listed by item at actual cost to you - NO MARK UP.)

Total Direct Costs	\$0.00
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TOTAL COSTS	\$7,857.72
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DERIVATION OF COST PROPOSAL**Maple Road Reconstruction - Eton to Coolidge, Right Turn Lane****City of Troy Project No. 92.202.5****SUB-CONSULTANT
TESTING ENGINEERS & CONSULTANTS, INC.****DIRECT LABOR**

Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Associate	1		\$45.19		\$45.19
Project Manager	13		\$25.00		\$325.00
Driller - Senior Technician	4		\$21.11		\$84.44
Driller - Technician	8		\$13.07		\$104.56
Laboratory Technician	6		\$20.80		\$124.80
Staff Engineer	1		\$18.75		\$18.75
Clerical	2		\$13.50		\$27.00
Total Hours	35		Total Labor		\$729.74

OVERHEAD

Total Labor x 171.8% **Total Overhead** \$1,253.69

FACILITIES COST OF CAPITOL (FCC)

Total Labor x 1.20% **Total FCC Cost** \$8.76

FIXED FEE

(Total Labor + Total Overhead) x 15% **Total Fixed Fee** \$297.51

DIRECT EXPENSES

(Listed by item at actual cost to you - NO MARK UP.)

Milage (50 miles @ \$0.42/mile) \$21.00
Permits and Bonds (if required) \$400.00
Equipment Rental \$125.00
Total Direct Costs \$546.00

TOTAL COSTS **\$2,835.71**

DERIVATION OF COST PROPOSAL

Maple Road Reconstruction - Eton to Coolidge, Right Turn Lane

City of Troy Project No. 92.202.5

**SUMMARY BY JOB NUMBER AND BY CATEGORY
HUBBELL, ROTH & CLARK, INC. AND SUBCONSULTANTS****DIRECT LABOR**

PRIME CONSULTANT(S)

Hubbell, Roth & Clark, Inc	Direct Labor Hours	120	Direct Labor Costs	\$2,746.00
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SUB-CONSULTANTS

Testing Engineers & Consultants, Inc.	Direct Labor Hours	35	Direct Labor Costs	\$729.74
Total Direct Labor Costs				\$3,475.74

OVERHEAD

PRIME CONSULTANT(S)

Hubbell, Roth & Clark, Inc	Overhead Costs	\$4,064.35
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SUB-CONSULTANTS

Testing Engineers & Consultants, Inc.	Overhead Costs	\$1,253.69
Total Overhead Costs		\$5,318.05

FACILITIES COST OF CAPITOL

PRIME CONSULTANT(S)

Hubbell, Roth & Clark, Inc	FCC Costs	\$25.81
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SUB-CONSULTANTS

Testing Engineers & Consultants, Inc.	FCC Costs	\$8.76
Total FCC Costs		\$34.57

FIXED FEE

PRIME CONSULTANT(S)

Hubbell, Roth & Clark, Inc	Fixed Fee Costs	\$1,021.55
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SUB-CONSULTANTS

Testing Engineers & Consultants, Inc.	Fixed Fee Costs	\$297.51
Total Fixed Fee Costs		\$1,319.07

DIRECT EXPENSES

PRIME CONSULTANT(S)

Hubbell, Roth & Clark, Inc	Direct Costs	\$0.00
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SUB-CONSULTANTS

Testing Engineers & Consultants, Inc.	Direct Costs	\$546.00
Total Direct Costs		\$546.00

TOTAL COSTS FOR THIS JOB**\$10,693.43**

DERIVATION OF COST PROPOSAL**Maple Road Reconstruction - Eton to Coolidge, Right Turn Lane****City of Troy Project No. 92.202.5****SUMMARY BY CONSULTANT****Design Engineering Services**

	<u>PE Hours</u>	<u>PE Cost</u>	<u>Fixed Fee</u>	<u>DBE Y/N</u>	<u>% of Cost</u>
PRIME CONSULTANT					
Hubbell, Roth & Clark, Inc	120	\$6,836.17	\$1,021.55	N	73%
SUB CONSULTANT					
Consultants, Inc.	35	\$2,538.19	\$297.51	N	27%
Totals	155	\$9,374.36	\$1,319.07		100%

**Proposed Person Hours by PPMS Task
Maple Road Reconstruction
Eton to Coolidge
Right Turn Lane**

Task Number	PPMS Task Description	Firm	Proj. Manager/ Assoc.	Associate	Staff Engineer	Grad Engineers	Chief of Survey	Senior Technician	Technician	Survey Party Chief	Instrument Person	Rod Person	Total By Task
3110,	Roadway		13	1	2	0	0	4	15	4	4	4	47
3510 & 3530	Geotechnical Investigation	HRC											
		TEC	13	1	2			4	15	4	4	4	
3360	Prepare Base Plans		2	0	5	5	0	0	15	0	0	0	27
		HRC	2		5	5			15				
3580	Develop Preliminary Plans		2	0	10	10	0	10	10	0	0	0	42
		HRC	2		10	10		10	10				
3581	Final Right-of-Way Plans		1	0	0	5	0	0	5	0	0	0	11
		HRC	1			5			5				
3840	Develop Final Plans and Specifications		2	1	5	0	0	10	10	0	0	0	28
		HRC	2	1	5			10	10				
Total Hours by Classification			20	2	22	20	0	24	55	4	4	4	155

Summary of Hours by Firms & by Job Classification

	HRC	TEC	1	1	20	20	0	20	40	4	4	4	Percent
Hubbell, Roth & Clark	7	13	1	1	20	20	0	20	40	4	4	4	120 77.4%
Testing Engineers & Consultants					2	0	0	4	15	0	0	0	35 22.6%
													155 100.0%

SUBCONTRACT NO. _____
CONTROL SECTION NO. _____
JOB NO. _____
FED. PROJECT NO. _____
FED. ITEM NO. _____

CITY OF TROY

HUBBELL, ROTH & CLARK, INC.

PRELIMINARY ENGINEERING CONTRACT

A CATEGORY "C" PROJECT

THIS CONTRACT, made and entered into as of this date of _____, by and between Hubbell, Roth & Clark a Consultant Engineering Corporation, of Bloomfield Hills Michigan, hereinafter referred to as the "CONSULTANT," and the City of Troy, hereinafter referred to as the "LOCAL AGENCY."

WITNESSETH:

WHEREAS, the LOCAL AGENCY is desirous of proceeding with preparation of plans for a road improvement project within its limits; and

WHEREAS, the LOCAL AGENCY desires to engage the professional services and assistance of the CONSULTANT to perform certain preliminary engineering services and other related work, said work to be hereinafter referred to as the "SERVICES," required in connection with the construction of the following transportation improvements under the Transportation Economic Development Funds, said improvements to be hereinafter referred to as the "PROJECT."

"Reconstruction of an existing
four lane roadway to 5 lanes;
including underground utilities &
traffic signals on Maple Road, ;" and
between Coolidge & Eton.

WHEREAS, the LOCAL AGENCY has programmed the PROJECT with the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for construction with the use of Transportation Economic Development Funds administered by the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as the "FHWA;" and

WHEREAS, the CONSULTANT is willing to render the SERVICES desired by the LOCAL AGENCY for the considerations hereinafter expressed; and

WHEREAS, the CONSULTANT was selected utilizing a qualifications based selection (QBS) process; and

WHEREAS, the parties hereto have reached an understanding regarding the performance of the SERVICES on the PROJECT and desire to set forth this understanding in the form of a written contract;

NOW THEREFORE, it is hereby agreed by and between the parties hereto that:

THE CONSULTANT SHALL:

1. Design and prepare studies, preliminary plans, final plans, specifications, quantity sheets, estimates of cost, and do other related work necessary to develop the complete design for the PROJECT. Also perform right-of-way requirements, recommendations, land surveys and computations. Right-of-way plats are to be shown by the CONSULTANT on the construction plans. Boring and supplemental specialized services, as required, are to be made by others under the CONSULTANT's supervision.
2. Govern all SERVICES by the applicable codes and practices of the LOCAL AGENCY and the DEPARTMENT and the FHWA.
3. Submit for approval by the LOCAL AGENCY and the DEPARTMENT, studies and preliminary plans showing the proposed layouts of the PROJECT.
4. After approval and acceptance of the studies and preliminary plans and preliminary cost estimates by the LOCAL AGENCY and the DEPARTMENT, prepare and submit complete detailed construction plans (final plans), supplemental specifications, estimates of quantities, design calculations if requested, and engineer's final estimates of cost for all necessary construction and other work, such as utility relocations, included in the complete design of the PROJECT.
5. During the preparation of the plans, make such changes and revisions in said plans and supporting material as are considered necessary and desirable by the LOCAL AGENCY and the DEPARTMENT to assure conformance of plans to good design and standard practices, and to have said plans and other material in proper form for receiving bids.
6. During construction, make all corrections and alterations in the detailed plans for the PROJECT as may be deemed necessary by the LOCAL AGENCY and the DEPARTMENT as a result of errors and omissions. The CONSULTANT and the LOCAL AGENCY specifically agree that in the event problems arise that may be the result of errors and/or omissions by the CONSULTANT or due to a failure of the CONSULTANT to otherwise perform in accordance with this contract, that the CONSULTANT will be held responsible with no cost to the LOCAL AGENCY or in accordance with the LOCAL AGENCY'S dispute resolution process if applicable.
7. Check all shop drawing details for items of construction, as may be submitted to the LOCAL AGENCY for approval by the LOCAL AGENCY and the DEPARTMENT in order to insure compliance with plans and specifications.
8. Supply all materials, including incidental blueprints required.

9. During the performance of the SERVICES, be responsible for any loss or damage to the documents, hereinafter enumerated as belonging to the LOCAL AGENCY while they are in its possession. Restoration of lost or damaged documents shall be at the CONSULTANT'S expense.

10. Attend conferences and make such trips to the offices of the LOCAL AGENCY and to the site of the work to confer with representative of the LOCAL AGENCY or the DEPARTMENT or the FHWA as may be necessary in the carrying out of the work under this contract.

11. Follow standard accounting practices and permit representatives of the LOCAL AGENCY and the DEPARTMENT and the FHWA to audit and inspect its PROJECT books and records at any reasonable time. Such records are to be kept available for three (3) years from the date of the final payment for work conducted under this contract.

- a. The CONSULTANT shall establish and maintain accurate records, in accordance with generally accepted accounting principals, of all expenses incurred for which payment is sought or made under this Contract, said records to be hereinafter referred to as the "RECORDS." Separate accounts shall be established and maintained for all costs incurred under this Contract.
- b. The CONSULTANT shall maintain the RECORDS for at least three (3) years from the date of final payment of federal aid or state aid made by the DEPARTMENT to the LOCAL AGENCY under this Contract. In the event of a dispute with regard to the allowable expenses or any other issue under this Contract, the CONSULTANT shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.
- c. The DEPARTMENT, or their representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.
- d. If any part of the work is subcontracted, the CONSULTANT shall assure compliance with subsections (a), (b), and (c) above for all subcontracted work.

12. Have in its employ a sufficient number of qualified employees available to complete the design of the PROJECT and to submit prints of the preliminary plans for the review of the LOCAL AGENCY and the DEPARTMENT by _____, and further submit the tracings of the final plans to the LOCAL AGENCY within six (6) weeks after receipt of the review comments. The date, as specified and determined, will be considered as the latest date for acceptable submission of plans unless an extension of time is granted as provided in Section 31.

13. Permit the LOCAL AGENCY, the DEPARTMENT, the FHWA, and other public agencies interested in the plans and designs for the PROJECT to have full access thereto during the progress of the SERVICES being preformed thereon.

14. Upon completion of the design of the PROJECT and final approval thereof by the LOCAL AGENCY and the DEPARTMENT, deliver to the LOCAL AGENCY the following:

- a. One (1) set of final construction plans which meet current DEPARTMENT standards concerning: the use of ink or pencil, scale of drawing, and type of reproducible drawing material used.
- b. One (1) reproducible copy of the special provisions.
- c. One (1) set each of the criterion for Supplemental Specifications indicating the appropriate items for the PROJECT.
- d. One (1) set of estimates of cost construction.
- e. One (1) set of reproducibles of design calculations, if requested.
- f. Upon request by the LOCAL AGENCY, make available thereto, all notes utilized in the preparation of the plans, supplemental specifications, and cost estimates.

15. Have their professional endorsement upon all plans, specifications, estimates, and engineering data furnished to the LOCAL AGENCY.

16. Show evidence of Workers' Compensation Insurance, said insurance to be as required by law.

17. Commence SERVICE as set forth in this contract only upon receipt of written notice from the LOCAL AGENCY'S PROJECT manager that the CONSULTANT'S SERVICES are desired.

18. Submit billings to the LOCAL AGENCY, as hereinafter set forth in Section 21.

THE LOCAL AGENCY SHALL:

19. Furnish for the use of the CONSULTANT, the DEPARTMENT'S standards for bridge and road design and such other information as may be needed in a particular instance.

20. For and in consideration of the SERVICES rendered by the CONSULTANT as set forth in this contract, pay the CONSULTANT on the basis of actual cost plus a fixed fee (profit) amount which shall not exceed * dollars (\$ 111,403.07). The fixed fee (profit) shall be the amount of ** dollars and _____ cents (\$14,483.10), which amount is included in the total amount of * dollars (\$111,403.07) as shown in Exhibit "A," attached hereto and made a part hereof.

* One hundred eleven thousand four hundred three dollars and seven cents.

** Fourteen thousand four hundred eighty three dollars and ten cents.

Actual costs for SERVICES required and preformed will be determined in accordance with the following terms, subject to the cost criteria set forth in the Federal Acquisition Regulations, 48 CFR, Part 31:

- a. Direct Salary Costs: Actual labor costs of personnel performing the SERVICES. This cost will be based on the employees actual hourly rate of pay and the actual hours of performance on the PROJECT as supported by employee time records.
- b. Direct Costs: Actual costs of materials and services, other than salaries, as may be required hereunder but which are not normally provided as a part of the overhead of the CONSULTANT. All actual costs shall be itemized and certified as paid to specifically named firms or individuals, and shall be supported by proper receipts.
- c. Overhead (Indirect Costs): A pro-rated portion of the actual overhead incurred by the CONSULTANT during performance of the SERVICES. The amount of overhead payment, including payroll overhead, will be calculated as a percentage of all direct labor costs related to staff personnel and members of the firm. Overhead shall include those costs which, because of their incurrence for common or joint objectives, are not readily subject to treatment as a direct cost. The provisional overhead rate, which will be applied to direct labor costs for progress payments, is set forth in Exhibit A.

It is agreed that the use of the provisional rate set forth in Exhibit A sets neither a minimum nor maximum to the actual overhead costs to be paid the CONSULTANT. Any overpayments or underpayments made to the CONSULTANT for SERVICES preformed resulting from usage of the provisional overhead rate, will be corrected subject to the contract maximum in the first paragraph of Section 20, in the first billing submitted subsequent to the CONSULTANT'S calculation of an actual overhead rate for the financial year end applicable to the reported direct labor cost. The audit at the completion of this contract, or at such time as this contract is terminated, will verify the propriety of reported overhead.

Facilities Cost of Capital: A pro-rated portion of the actual facilities cost of capital incurred by the CONSULTANT during work is reimbursable only if the estimated facilities cost of capital was specifically identified in the cost proposal for this work (Exhibit A).

- d. Travel and Subsistence: Actual costs in accordance with and not to exceed the amounts set forth in the State of Michigan Standardized Travel Regulations, incorporated herein by reference as if the same were repeated in full herein.

e. Fixed Fee (Profit): In addition to the payments for direct and overhead costs as hereinbefore provided, the LOCAL AGENCY agrees to pay the CONSULTANT a fixed amount for profit for the SERVICES preformed. It is agreed and understood that such amount constitutes full compensation to the CONSULTANT for profit and will not vary because of any differences between the estimated cost and the actual cost for work preformed, except that in the event this contract is terminated, payment of a fixed fee (profit) in respect to the PROJECT shall be in an amount which can be established by the CONSULTANT from its accounts and records and subject to the provisions of Section 22.

f. Those costs incurred by the CONSULTANT in the utilization of the subcontracted services of _____* shall be excluded from the calculation of the CONSULTANT'S percentage of SERVICES completed, as set forth in Section 21a., but will be reimbursed by the LOCAL AGENCY. Payment by the LOCAL AGENCY will be made directly to the CONSULTANT. The PROJECT cost attributable to _____* is estimated to be \$ 20,053.86.

* Mansell & Associates; Testing Engineers & Consultants.

The maximum amount, including the fixed fee (profit), hereinbefore set forth in this Section, shall not be exceeded except by the execution of an amendment to this contract by and between the parties hereto and with approval by the DEPARTMENT and the FHWA. Payment shall be made as set forth hereinafter.

21. Make payments to the CONSULTANT in accordance with the following procedures:

a. Progress payments may be made for reimbursement of amounts earned to date and shall include direct costs, other direct costs, calculated amounts for overhead using overhead, and facilities cost of capital using applied rates, set forth hereinbefore, plus a portion of the fixed fee.

The portion of the fixed fee which may be included in progress payments shall be equal to the total fixed fee multiplied by the percentage of the work which has been completed to date of billing.

b. Partial payments will be made upon the submission by the CONSULTANT of a billing, accompanied by properly completed reporting forms and such other evidence of progress as may be required by the LOCAL AGENCY. Partial payments shall be made only once a month.

c. Final billing under this contract shall be submitted in a timely manner but not later than three (3) months after completion of the SERVICES. Billing for work submitted later than three (3) months after completion of SERVICES will not be paid. Final payment, including adjustments of direct salary costs, other direct costs and overhead costs, will be made upon completion of audit by the LOCAL AGENCY and/or as appropriate, by representatives of the

DEPARTMENT and the FHWA. In the event such audit indicates an overpayment, the CONSULTANT will repay the LOCAL AGENCY within 30 days of the date of the invoice.

22. If SERVICES, or any part thereof, are terminated before completed, pay the CONSULTANT as follows:

- a. Pay the CONSULTANT actual cost plus overhead, as defined herein, incurred for the work to be terminated up to the time of termination, plus an amount determined at the time of termination to compensate the CONSULTANT in full for a normal profit on work completed, as set forth in Section 20. The amount included for overhead and profit shall be subject to approval by the DEPARTMENT and the FHWA.
- b. In no case, shall the compensation paid to the CONSULTANT for SERVICES, or any part thereof, exceed the amount the CONSULTANT would receive had the SERVICES, or the terminated portion thereof been completed.

IT IS FURTHER AGREED THAT:

23. Approval of this contract by the DEPARTMENT in no way obligates the DEPARTMENT for any costs or other responsibilities, except as fiscal agent for the FHWA with respect to making federal funds available for the SERVICES preformed by the CONSULTANT for the LOCAL AGENCY.

24. Upon completion or termination of this contract, all documents prepared by the CONSULTANT, including tracings, drawings, estimates, specifications, field notes, investigations, studies, etc., as instruments of SERVICE shall become the property of the LOCAL AGENCY.

25. No portion of the PROJECT work, heretobefore defined, shall be sublet, assigned, or otherwise disposed of except as herein provided or with the prior written consent of the LOCAL AGENCY and approval by the DEPARTMENT and the FHWA. Consent to sublet, assign or otherwise dispose of any portion of the SERVICES shall not be construed to relieve the CONSULTANT of any responsibility for the fulfillment of this contract.

26. All questions which may arise as to the quality and acceptability of work, the manner of performance and rate of progress of the work, and the interpretation of plans and specifications shall be decided by the LOCAL AGENCY'S PROJECT Manager. All questions as to the satisfactory and acceptable fulfillment of the terms of this contract shall be decided by the LOCAL AGENCY.

27. Any change in SERVICES to be preformed by the CONSULTANT involving extra compensation must be authorized in writing by the LOCAL AGENCY and approved by the DEPARTMENT and the FHWA prior to the performance thereof by the CONSULTANT and requires an amendment to this Contract.

28. In addition, the CONSULTANT shall comply with, and shall require any contractor or subcontractor to comply with, the following:

- a. In connection with the performance of this contract, the CONSULTANT (hereinafter in Appendix "A" referred to as the "contractor") agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Appendix "A," attached hereto and made a part hereof.
- b. During the performance of this contract, the CONSULTANT for itself, its assignees, and successors in interest (hereinafter in Appendix "B" referred to as the "contractor") agrees to comply with the Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, and the Regulations of the United States Department of Transportation (49 CFR Part 21) issued pursuant to said Act, including Appendix "B," attached hereto and made a part hereof.
- c. The parties hereto further agree that they accept the DEPARTMENT'S Minority Business Enterprises/Women's Business Enterprises (MBE/WBE) Program with respect to the PROJECT and will abide by the provisions set forth in Appendix "C" attached hereto and made a part hereof, being an excerpt from Title 42 CFR Part 23, more specifically 23.43(a)(1) and (2) thereof.

29. The CONSULTANT warrants that it has not employed or retained any company or person other than bona fide employees working solely for the CONSULTANT, to solicit or secure this contract, and that he has not paid or agreed to pay any company or person, other than bona fide employees working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon, or resulting from the award, or making of this contract. For breach or violation of this warranty, the LOCAL AGENCY shall have the right to annul this contract without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gifts or contingent fee.

30. The CONSULTANT specifically agrees that in the performance of SERVICES herein enumerated by it, or by an approved subcontractor, or anyone acting in its behalf, they will, to the best of their professional knowledge and ability, comply with any and all applicable state, federal, and local statutes, ordinances, and regulations.

31. No charges or claims for damages shall be made by the CONSULTANT for delays or hindrances from any cause whatsoever during the progress of any portions of the SERVICES specified in this contract, except as hereinafter provided.

In case of a substantial delay on the part of the LOCAL AGENCY in providing to the CONSULTANT either the necessary information or approval to proceed with the work, resulting, through no fault of the CONSULTANT, in delays of such extent as to require the CONSULTANT to perform its work under changed conditions not contemplated by the parties, the LOCAL

AGENCY will consider supplemental compensation limited to increased costs incurred as a direct result of such delays. Any claim for supplemental compensation must be in writing and accompanied by substantiating data. Authorization of such supplemental compensation shall be by an amendment to this contract subject to prior approval by the DEPARTMENT and the FHWA.

When delays are caused by circumstances or conditions beyond the control of the CONSULTANT as determined by the LOCAL AGENCY, the CONSULTANT shall be granted an extension of time for such reasonable period as may be mutually agreed upon between the parties, it being understood, however, that the permitting of the CONSULTANT to proceed to complete the SERVICES, or any part of them, after the date to which the time of completion may have been extended, shall in no way operate as a waiver on the part of the LOCAL AGENCY of any of its rights herein set forth.

32. In case the CONSULTANT deems extra compensation will be due it for work or materials not clearly covered in this contract, or not ordered by the LOCAL AGENCY as a change, or due to changed conditions, the CONSULTANT shall notify the LOCAL AGENCY in writing of its intention to make claim for such extra compensation before beginning such work. Failure on the part of the CONSULTANT to give such notification will constitute a waiver of the claim for such extra compensation. The filing of such notice by the CONSULTANT shall not in any way be construed to establish the validity of the claim. Such extra compensation shall be provided only by amendment to this contract with approval of the DEPARTMENT and the FHWA.

33. The CONSULTANT agrees to obtain the necessary liability insurance, acceptable to the LOCAL AGENCY and the DEPARTMENT, naming the City of Troy, the Michigan State Transportation Commission, and the Michigan Department of Transportation as insured, and to provide the LOCAL AGENCY with evidence of said insurance, and to indemnify and save harmless the LOCAL AGENCY, the Michigan State Transportation Commission, and the DEPARTMENT, their officers, agents and employees from any and all claims and losses occurring or resulting to any person, firm or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses occurring or resulting to any person, firm, or corporation who may be injured or damaged by the CONSULTANT in the performance of this contract.

34. This contract shall be terminated upon advisement to the CONSULTANT by the LOCAL AGENCY that its SERVICES are completed and accepted.

35. The CONSULTANT'S signature on this Contract constitutes the CONSULTANT'S certification of "status" under penalty of perjury under the laws of the United States in respect to 49 CFR Part 29 pursuant to Executive Order 12549.

The certification, which is included as a part of this Contract as Attachment "A," is Appendix A of 49 CFR Part 29, and applies to the CONSULTANT (referred to in Appendix A of 49 CFR Part 29 as "the prospective primary participant").

SUBCONTRACT NO. _____
CONTROL SECTION NO. _____
JOB NO. _____
FED. PROJECT NO. _____
FED. ITEM NO. _____

CERTIFICATION

I hereby certify that I am Walter H. Alix
and a duly authorized representative of the firm of Hubbell, Roth & Clark, Inc.
whose address is 2001 Centerpoint Dr., Pontiac, MI and that neither
I nor the above firm I here represent has:

(a) employed or retained for a commission, percentage, brokerage, contingent fee, or
other consideration, any firm or person (other than a bona fide employee working solely for me or
the above Hubbell, Roth & Clark, Inc.) to solicit or secure this contract.

(b) agreed, as an express or implied condition for obtaining this contract, to employ
or retain the services of any firm or person in connection with carrying out the contract, or

(c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide
employee working solely for me or the above Hubbell, Roth & Clark, Inc.) any fee,
contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying
out the contract:

except as here expressly stated (if any):

I acknowledge that this certification is to be furnished to the Michigan Department
of Transportation in connection with this contract involving participation of state and/or federal
funds, and is subject to applicable state and federal laws, both criminal and civil.

8/10/01
Date

Walter H. Alix
Signature

ATTACHMENT A

(This is a reproduction of Appendix A of 49 CFR Part 29)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -
PRIMARY COVERED TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification in addition to other remedies available to the federal government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposed," and "voluntarily excluded" as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules impending Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally processed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - B. Have not within a three-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - C. Are not presently indicated for or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - D. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

March 9, 1989

ATTACHMENT B
(This is a reproduction of Appendix B of 49 C.F.R. Part 29)
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction," without notification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Telephone No. (517) 335-2513 or (517) 335-2514).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The CONSULTANT is responsible for obtaining the same certification from all subcontractors under this contract by inserting the following paragraph in all subcontracts:

"The subcontractor's signature on this Contract constitutes the subcontractor's certification of 'status' under penalty of perjury under the laws of the United States in respect to 49 CFR Part 29 pursuant to Executive Order 12549. The certification, which is included as a part of this Contract as Attachment "B," is Appendix B of 49 CFR Part 29."

This certification is required of all subcontractors, testing laboratories, and other lower tier participants with which the CONSULTANT enters into a written arrangement for the procurement of goods or services provided for in this Contract.

36. The CONSULTANT hereby agrees that the costs reported to the LOCAL AGENCY for this Contract shall represent only those items which are properly chargeable in accordance with this Contract. The CONSULTANT also hereby certifies that it has read the Contract terms and has made itself aware of the applicable laws, regulations, and terms of this Contract that apply to the reporting of costs incurred under the terms of this Contract.

37. Upon execution of this contract by the parties hereto, the same shall become binding on the parties hereto and their successors and assigns, until such time as all work contemplated hereunder is complete, or until such time as this contract is terminated by mutual consent of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by their duly authorized agents and representatives the day and year first above written.

HUBBELL, ROTH & CLARK, INCORPORATED

BY: Walter H. Alix
TITLE: Vice Pres.

BY: Michael D. Wadeng
TITLE: Vice Pres.

CITY OF TROY

BY: _____
TITLE: MAYOR

BY: _____
TITLE: CITY CLERK

EXHIBIT A

PRELIMINARY ENGINEERING ESTIMATED DIRECT COST BREAKDOWN BY ITEM

CONSULTANT			
	Hours	Dollars per Hour	Total Dollars
PRELIMINARY INVESTIGATION & SUPERVISION			
Principal			
Engineer I			
SURVEYING			
Crew Chief			
Survey Assistant			
Survey Assistant			
DESIGN			
Engineer I			
Engineer II			
DRAFTING			
Draftsman			
Draftsman			
Draftsman			
REVIEW AND CONSULTATION			
Principal			
Engineer I			
SUBTOTAL			
100% DIRECT PAYROLL			
Other Itemized Direct Costs (i.e., travel, mileage, etc.)			
_____ % Overhead			
_____ % Facilities Capital Cost of Money (FCCOM)			
Fixed Fee (Profit)			
CONSULTANT SUBTOTAL			
TESTING ENGINEERS AND CONSULTANTS - SOIL BORINGS			
GRAND TOTAL PROJECT COST			

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract, the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, programs, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with his contract and relevance with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case, before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as following:

1. Compliance with Regulations: The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities, as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the state, and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

General Requirements for Recipients

Excerpts from USDOT Regulation 49 CFR, Part 23, Section 23.43

- A. Policy: It is the policy of the Department that MBE as defined in 49 CFR, Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. Consequently, the MBE requirements of 49 CFR, Part 23, apply to this contract.
- B. MBE Obligation: The recipient or its contractor agrees to ensure that MBE as defined in 49 CFR, Part 23, has the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR, Part 23, to ensure that MBE has the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of departmentally-assisted contracts.
- C. If, as a condition of assistance, the recipient has submitted and the department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to this recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR, Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the recipient to obtain future departmental, financial assistance.
- D. The Department hereby advises each recipient, contractor, or subcontractor that failure to carry out the requirements set forth in Section 23.43(a) 49 CFR, Part 23, shall constitute a breach of contract, and after the notification of the USDOT, may result in termination of the agreement or contract by the Department or such remedy as the Department deems appropriate.

Service Commendation
RON BARNARD

WHEREAS, Ron Barnard began his employment with the City of Troy as a part-time Playground Leader from 1969 – 1970, came back as a part-time Laborer for the Department of Public Works on May 14, 1973 and was promoted to a C-Equipment Operator 1 on August 27, 1973; and

WHEREAS, On February 10, 1975, **Ron** transferred to the Police Department as a Police Service Aide where he worked for two and a half years before transferring to the Personnel Department as the Operations Analyst for CETA Title VI;

WHEREAS, Ron moved back to the Public Works Department on September 7, 1978 as a Department Aide and Administrative Aide from July 4, 1983 until September 18, 1989 when he transferred back to City Hall as an Administrative Aide in the City Manager's Office where he worked for 7 years; and

WHEREAS, January 6, 1997 **Ron** was promoted to the position of Solid Waste Coordinator where he has remained until August 10, 2001 which marked the occasion of **Ron's** retirement from the City of Troy after 32 years of part-time and full-time service; and

WHEREAS, During the course of his employment, **Ron** has contributed many tireless hours of dedicated service to the City of Troy and its citizens;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Ron Barnard** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN, That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Ron** during his retirement years.

Signed this 20th day of August 2001.

The meeting was called to order at 7:30 p.m. by Chairman Max Ehlert in Conference Room C.

PRESENT: David Balagna
Max Ehlert
W. Stan Godlewski
James Moseley
James Peard
Thomas Sawyer
John Walker
Jennifer Gilbert, Student Representative
Sergeant George Zielinski
Marsha Livingston, Office Coordinator

ABSENT:

Moved by Balagna, seconded by Sawyer to APPROVE the minutes of the May 141, 2001 meeting as printed.

APPROVED unanimously

AGENDA ITEMS:

1. **BORMAN'S, INC. (FARMER JACK)** requests a new SDM licensed business with on-premise seating located at 1237 N. Coolidge, Troy, MI 48084, Oakland County. [MLCC REF# 124739]

Present to answer questions from the committee was Albert Lord, Real Estate Accountant, Michigan Division.

Mr. Lord distributed copies of the employee handbook, which included the layout of the store. The site of the new Farmer Jack is Maple and Coolidge and the opening is planned for mid September. Mr. Lord explained the store is following a new prototype, so the beer will be located on the left hand side of the store, not the right side.

The cashier must ask for ID prior to the sale of beer/wine. The date of birth also needs to be entered into the register. The store policy for sale to minor makes the employee responsible. The system can be bypassed by entering the wrong date of birth and the cashier is the only one who can enter the date of birth, so essentially it is the cashier's responsibility. If an employee is found in violation of selling to a minor, that employee will receive a 3-day suspension. The store manager will be notified of any violations, and it is his/her responsibility to make sure all employees are doing their job.

Turnover is a problem for all areas of the store. There will be mass training for all employees. Employees are not just handed the employee handbook to read; they will sit through a class. For the store opening, there will be some seasoned people brought in from other Farmer Jack locations to help. In addition, some employees will be transferred from other Troy locations.

Signs will be posted in the store indicating ID will be checked, that there will be no sales of alcohol between specific hours, and that there is no alcohol beverages allowed in the

seating area.

Moved by Balagna, seconded by Moseley, to APPROVE the above request.
APPROVED unanimously

Moved by Walker, seconded by Balagna to ADJOURN the meeting at 7:50 p.m.
APPROVED unanimously

ML/ml

**TROY DAZE MINUTES
JUNE 26, 2001**

Called to order at 7:34PM by Bob Berk

Present:	Bob Berk	Cheryl Whitton-Kaszubski
	Jim Cyrulewski	Bill Hall
	Dave Swanson	Dick Tharp
	Jeff Biegler	Bob Matlick
	Cindy Stewart	

Chairpersons & Guests:	Scott Wharff	JoAnn Preston
	Tom Kaszubski	Robert Preston
	Dave Buscemi	Tom Tighe
	Gail Anderson	Shirley Darge
	Bob Broquet	Michael Oleszkowicz
	Alison Miller	Amy Kirschner
	Tom Connery	Tarcisio Massaini

Motion by Cheryl, second by Dick, and carried to excuse Sue, Eldon, Kessie, and Cele.

Secretary Report – Motion by Cheryl, second by Dick, and carried to approve May minutes as submitted.

New Business – Motion by Jim, second by Cheryl, and carried to appoint Mike Oleszkowicz as co chair of New Car Auto Show, Tom Connery as co chair of the Photo Contest and accept Ray Diaz's resignation because of scheduling conflicts.

Old Business – Update of contracts, still checking on the larger tent, it may be a wash due to cost when comparing one large tent to several smaller tents.

Bob will get a list to Joy with quantity and sizes for shirts and he is working on the pony rides.

Bob Broquet will keep same price for sound, so P.O. can be entered now.

Jeff is waiting for quotes on stage, carts, porta johns, trailers, and lights.

Mission Statement meeting with City Council – Have not met with City Council as yet. We hope to meet some time in July so the statement can be incorporated with the 2001 Festival information in programs, flyers, and City of Troy web site.

Adjourned at 7:47PM.

Next Troy Daze Advisory Committee meeting, Tuesday, July 24, 2001, at 7:30PM to be followed by Festival Committee Meeting.

PRESENT: Ted Dziurman Mark Stimac
Rick Kessler Pam Pasternak
Bill Need
Bill Nelson
Frank Zuazo

Motion by Need Supported by Nelson

Years: All - 5

ITEM #2 – VARIANCE REQUESTED. JUDY KENNEDY OF GULF INTEREST, INC., CEDAR RIDGE CONDOMINIUMS, BIG BEAVER EAST OF JOHN R., for relief of Chapter 83 to construct a 6' high privacy fence in a front setback.

Judy Kennedy of Gulf Interest, Inc. was present and stated that there were several reasons they wished to put up a privacy fence in this area. Ms. Kennedy stated that this fence would actually be along the back yard of the units to be built. Ms. Kennedy also stated that the fence would be setback 15' from the property line and on the north side of the greenbelt and will be partially screened by a 2 ½' to 3' high berm. Ms. Kennedy further indicated that they have received landscape approval from Ron Hynd and they are planning to add in excess of 50 different trees, shrubs and evergreens that will also help to keep the visual impact of this fence to a minimum along Big Beaver. Ms. Kennedy also said that not only will this fence help to protect the privacy of these homeowners, but will also help to buffer the noise from the traffic on Big Beaver.

1

Mr. Need asked who would be responsible for the upkeep of the fence and Ms. Kennedy indicated that the maintenance is part of the master deed and dues will be paid by the homeowners in order to provide the Homeowner's Association with the funding necessary for the maintenance of this fence. Mr. Need asked if separate gates would be provided for the upkeep of the greenbelt area and Ms. Kennedy again stated that the maintenance of the greenbelt area would be the responsibility of the Homeowner's Association not the individual home owners.

Mr. Zuazo asked Ms. Kennedy if the lots on the north end of this subdivision are the same size as the lots on the south side and Ms. Kennedy stated that when considering the lot area apart from the greenbelt easement that they are both 135' deep.

The Chairman opened the Public Hearing.

Ms. Nancy Aguinaga of 2352 Orpington was present and stated that she is opposed to a wooden privacy fence. Ms. Aguinaga stated that she has been a Troy resident for 25 years and believes that although wooden privacy fences look nice when they are first put in, after a period of time, they become unsightly due to lack of maintenance. Ms. Aguinaga stated that she would not be opposed to either a brick wall or vinyl privacy fencing. Ms. Aguinaga was concerned about the upkeep of the fence.

Ms. Kennedy replied that they feel that the maintenance of the fence would be properly handled and was not concerned that the fence would deteriorate. Ms. Kennedy further stated that the maintenance of the fence would be mandated through the master deed and homeowners would pay their fees up front and the required maintenance of the fence would be taken from a working capital fund. Ms. Kennedy also stated that the price of the fencing has to be taken into consideration, and Ms. Aguinaga confirmed that the starting price of these homes would be \$290,000.00.

Mr. Need asked if the petitioner had investigated the possibility of putting up vinyl fencing in lieu of wooden fencing, and Ms. Kennedy stated that she did not believe they would be absolutely opposed to this idea, but would need to look into it. Mr. Need then asked Mr. Stimac if the Building Department had any opinions regarding the use of vinyl fencing and Mr. Stimac stated that we have had several residents install vinyl fencing and they have indicated that they require very little maintenance and present a very uniform look. Ms. Aguinaga stated that her daughter-in-law has had vinyl fencing around their pool for at least ten (10) years and it still has the appearance of being almost brand new.

No one else wished to be heard and the Public Hearing was closed.

Mr. Need asked if Ms. Kennedy had a picture of the proposed fencing and Ms. Kennedy said that she did not, however, she thought it would be a shadow type of privacy fence.

ITEM #2

Mr. Stimac indicated that the plans provided showed a board-on-board type of fencing, which would give the effect of a solid fence.

There is one written objection on file. There are no written approvals on file.

Motion by Need
Supported by Kessler

MOVED, to table the request of Judy Kennedy of Gulf Interest, Inc., Cedar Ridge Condominiums, for relief of Chapter 83 to construct a 6' high privacy fence in the front setback along E. Big Beaver until the meeting of August 1, 2001.

- To allow the petitioner the opportunity to investigate the use of vinyl privacy fence rather than a wooden fence.

Yeas: All – 5

MOTION TO TABLE REQUEST UNTIL THE MEETING OF AUGUST 1, 2001 CARRIED

ITEM #3 – VARIANCE REQUESTED. LYND R. ALLEN, 2245 ALEXANDER, for relief of Chapter 83 to erect a 42" high fence in the front yard setback along Paris.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to erect a 42" high fence in a front yard setback. This lot is a double front corner lot, in that it has a front yard on both Alexander and Paris. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The site plan submitted indicates a 42" high picket fence in the front setback along Paris.

Ms. Joanne Allen was present and stated that she wished to put up this non-obscuring fence along the easement next to her property. Ms. Allen brought in pictures of the easement, which had not been mowed, as well as pictures of her lot and the type of fence she wished to erect.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There is one (1) written objection on file and one (1) partial objection on file.

Mr. Dziurman stated that Ms. Allen was a personal friend of his and would abstain from voting on this issue.

ITEM #3

Motion by Nelson

Supported by Zuazo

MOVED, to grant Lynd R. Allen, 2245 Alexander, relief of Chapter 83 to erect a 42" high fence in the front yard setback along Paris.

- Variance is not contrary to public interest.
- This fence will not obscure on coming traffic.

Yeas: 4 – Nelson, Need, Kessler, Zuazo

Abstain: 1 - Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. WILLIAM N. NICHOLS, 1080 MINNESOTA, for relief of Chapter 83 to replace an existing 6' high privacy fence with a new 6' high privacy fence in the front yard setback along Wisconsin.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to replace an existing 6' high privacy fence with a new 6' high privacy fence. This lot is a double front corner lot, in that it has a front setback along Minnesota and Wisconsin. As such, Chapter 83 limits the height of fences in front yard setbacks to 30" in height. The permit application submitted indicates a 6' high privacy fence in the front setback along Wisconsin. A review of the Building Department records, found no record of a fence permit for the existing fence.

Mr. and Mrs. Nichols were present and stated that they have lived in this home approximately 5 years and the fence that was there was falling apart and in need of repair. Mr. Nichols stated that they have three children and a large dog and wanted to fix the fence in order to protect their children as well as to protect other children from the dog. Mr. and Mrs. Nichols are concerned because there is a bus stop right near their property. Mr. Nichols stated that he did not realize that he needed a fence permit in order to repair the existing fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Motion by Need

Supported by Nelson

ITEM #4

MOVED, to grant William Nichols, 1080 Minnesota, relief of Chapter 83 to replace an existing 6' high privacy fence with a new 6' high privacy fence in the front setback along Wisconsin.

- Variance is not contrary to public interest.
- A large number of neighbors approve of this privacy fence.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. KASCO, INC. REPRESENTING WILLIAM BEAUMONT HOSPITAL, 44199 DEQUINDRE, for relief of the 1997 International Plumbing Code (IPC) Section 1107.2.

Mr. Stimac explained that the 1997 IPC requires that roof drainage systems be provided with a secondary drainage system that has piping and a point of discharge that is independent from the primary roof drains. It further requires that this secondary drainage discharge be at a location, above grade, where the building occupants would normally observe it. The petitioners are in the process of constructing an addition in an interior courtyard for radiation/oncology department at the existing Beaumont Hospital. The petitioners are proposing a secondary system that would be interconnected with the primary system within the building. They propose over sizing the primary system and installing alarms in the secondary system to notify the occupants if the overflow is receiving water. They are asking relief for this modified system.

Mr. Chet Schroeder of Beaumont Hospital and Mr. Michael N. Engle of Kasco Inc., as well as Scott Morgenstern of SSOE for Beaumont Hospital were present. Mr. Morgenstern stated that the area in question is an interior courtyard of the hospital and in order to comply with the Plumbing Code, they would have to route the drainage system through adjacent existing hospital spaces. Mr. Morgenstern explained that the secondary system would be equipped with alarms which would be tied in directly to the building's facility system program and would indicate when the primary system had failed. Mr. Morgenstern further explained that this area is surrounded by other sections of the hospital that are as much as seven (7) stories high and did not believe that the primary system would plug from leaves and debris. Mr. Morgenstern also indicated that the building is monitored twenty-four hours a day, seven days a week and if the system were to fail, steps would be taken quickly to correct this failure.

Mr. Stimac indicated that the main concern of the code is that if the primary system were to fail, the roof could collapse due to the weight of ponded water. Mr. Stimac also said that plans have been submitted which indicates that the roof structure can sustain up to 15" of ponded water. Mr. Stimac further pointed out that due to the fact that the

ITEM #5

roof of this area of the hospital was in a courtyard, it would be easily visible from surrounding areas.

Mr. Kessler asked how the alarm would indicate if there was a failure of the primary system, and Mr. Engle pointed out that if there were a problem a light would indicate that the system had failed in the building facility area.

Motion by Nelson
Supported by Kessler

MOVED, to grant Kasco, Inc., representing William Beaumont Hospital, 44199 Dequindre, 1st floor – Radiation/Oncology, relief of the 1997 International Plumbing Code (IPC) Section 1107.2 to install a primary drainage system which is over-sized and install alarms in the secondary system to notify the occupants if the overflow is receiving water.

- Variance is not contrary to public interest.
- System will be tested to make sure it works efficiently.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

Mr. Need stated that Mr. Richnak would be taking his place for the Building Code Board of Appeals meeting of August 1, 2001 due to the fact that he will be on vacation, and Mr. Stimac also indicated that Ms. Norvell would be taking his place at the August meeting.

The Building Code Board of Appeals meeting adjourned at 9:23 A.M.

MS/pp

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 11, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Robert Crawford
Mark Halsey
Thomas Houghton, Chairman
Anthony Pallotta
John Szerlag

ABSENT: John Lamerato

EXCUSE ABSENT TRUSTEE

Resolution # 01-26

Moved by Pallotta
Seconded by Calice

RESOLVED, that John Lamerato be excused.

Yeas: All 6
Absent: Lamerato

MINUTES

Resolution # 01-27

Moved by Pallotta
Seconded by Halsey

RESOLVED, that the minutes of the meeting of June 13, 2001, be approved.

Yeas: All 6
Absent: Lamerato

OTHER BUSINESS

Retiree Healthcare Issues

Steve Cooperrider briefly visited with the Board to answer questions.

July 18 Study Session

The location of the Study Session meeting has been changed from Conference Room C to the Lower Level Conference Room at City Hall.

The next meeting is July 18, 2001 at 3:00 p.m. at City Hall in the Lower Level Conference Room.

The meeting adjourned at 4:01 p.m.

A study session meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 18, 2001, at City Hall in the Lower Level Conference Room. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Robert Crawford
Mark Halsey
Thomas Houghton, Chairman
John M. Lamerato
Anthony Pallotta
John Szerlag

RETIREE HEALTH CARE ISSUES

The Board reviewed various documents and reports pertaining to retiree health care and will make a recommendation at the August 8, 2001 meeting.

The next meeting is August 8, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 3:51 p.m.

DRAFT

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on July 18, 2001 by Charles Solis.

PRESENT: Eric Grinnell (arrived 7:34)
Ted Halsey
Jan Hubbell
Richard Kilmer
Michael Palchesko
Charles Solis

ABSENT: John Diefenbaker

Also present: Lt. Robert Rossman, Troy Police Department
Lt. Robert Matlick, Troy Fire Department
John Abraham, Traffic Engineer
Officer Dan Clark, Troy Police Department

and Mike Pikor, Akzo-Nobel, 1845 Maxwell (Item 4)
Harold and Eva Lanfear, 2800 Arlund Way (Item 5)
Jack and Annette Saylor, 2833 Arlund Way (Item 5)
Teresita T. Chua, 2930 Tulip Drive (Item 7)
Ramiro Calderon, 2930 Tulip Drive (Item 7)
Gus Mattia, 4837 Holland (Item 7)
Lisa Chin, 4735 Holland (Item 7)

Motion to Excuse

Motion by Kilmer
Supported by Hubbell

To excuse Mr. Diefenbaker, as he is out of the City.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

2. Minutes – May 16, 2001

Motion by Kilmer
Supported by Palchesko

To approve the May 16, 2001 minutes as printed.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

3. Visitors' Time - (Items not on the Agenda)

No one appeared to address any items not on the agenda.

Motion by Palchesko

Supported by Hubbell

To address Item 7 after Item 5.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

4. Review and Revise Parking Restrictions on Stutz and Maxwell

Officer Dan Clark of the Troy Police Department requests that parking restrictions on Stutz and Maxwell be reviewed and revised to promote better traffic safety and operations. Stutz and Maxwell are industrial streets with several industry office buildings and a car dealership. Parking on the street has been a concern to many of the property owners in the area since many developments on these streets do not have sufficient parking. The Police Department has been called many times to enforce parking restrictions on the street, but since the parking restrictions have not been clearly marked, enforcement has not been effective. We have researched all Traffic Control Orders and Council resolutions for parking restrictions on the streets and found irregularities. Attached are copies of pertinent Traffic Control Orders and Council resolutions. We also inventoried the locations of all NO PARKING signs on these streets (attached). Officer Clark worked on a parking configuration for the area, keeping in mind safety and the requirements of the adjacent property owners. Officer Clark's recommended configuration is also attached herewith. Officer Clark was present at the meeting and discussed the need for proper Traffic Control Orders and signage for Stutz and Maxwell.

Mike Pikor from Akzo Nobel attended the June and July meetings and said that the NO PARKING signs on Stutz and Maxwell are unclear. Three tickets have been issued for parking violations in one week, whereas none had been issued in the last seven years. He would like to see some clarification. Mr. Pikor said there are three car dealerships which test drive repaired vehicles on these streets, as well as car carriers coming in

and out every day. Mr. Pikor concurs with Officer Clark regarding the placement of signs.

Motion by Halsey
Supported by Hubbell

To recommend rescinding Traffic Control Orders 75-2-P and 85-11-P, and City Council Resolution No. 84-762, and recommend approval of parking restrictions shown in the attachment.

YEAS: 6

NAYS: 0

ABSENT: 1

MOTION CARRIED

5. Parking Concerns on Arlund Way

Ms. Eva Lanfear of 2000 Arlund Way, requests that parking be restricted on both sides of Arlund Way. There are semi-trailers parked on Arlund Way that pose a safety hazard on the street. Arlund Way serves as an extension to Beach Road and connects to Square Lake Road. Beach Road has parking restrictions on both sides, and Ms. Lanfear requests that Arlund Way have similar parking restrictions.

Mr. Jack Saylor was unable to attend the June meeting, but wrote the Traffic Committee expressing his concerns about the possible parking prohibitions. He feels that Beach Road residents and their visitors at least have some side streets for additional parking, but this is not the case on Arlund. He is also concerned about where his lawn service people would park.

Mr. and Mrs. Lanfear attended the June meeting and stated that since all the houses on Arlund Way have long driveways no one needs street parking. They said trucks even park on the curve of Arlund Way, which is hazardous. They were concerned about the landscaping/lawn care trucks that are parked practically in the road.

Lt. Rossman is in favor of restricting parking on both sides of the street. He stated that the police often give leeway to lawn workers, contractors pouring cement, etc. if they are parked in a NO PARKING zone.

Jack and Annette Saylor, 2833 Arlund Way, delivered a second letter (copy attached) to the Traffic Engineering office. They do not want any changes to parking regulations on Arlund Way. They point out that the "long driveways" mentioned only hold three or four cars, which is insufficient for large family gatherings. Also, people exiting these driveways have to back out into traffic, which is hazardous.

The Saylor's also attended this meeting, and pointed out that one stretch of Beach Road has parking on the east side, and another stretch has parking allowed on the

west side. Another two miles of Beach has parking prohibited on both sides. They feel that these different regulations are inconsistent. Additionally, along this stretch of Beach where there is no parking on either side, there are 24 cross streets where parking is allowed, which is not the case on Arlund Way.

There are currently no signs on either side of Arlund Way. According to City ordinances, parking would be allowed on the north (non-hydrant) side. However, parking on at least 50% of the north side is virtually impossible because of guardrails along the edge of the road. Allowing parking on the south (fire hydrant) side would be more reasonable, with sufficient space and signage to keep the hydrants clear for emergency use. Both parties, the Lanfears and the Saylor, agree that this would be a good solution.

Motion by Palchesko

Supported by Grinnell

To recommend prohibiting all parking on the north side of Arlund Way, allowing parking on the south side (hydrant side), with sufficient space near the fire hydrants in accordance with legal distance requirements.

YEAS: 5

NAYS: 1 (Halsey)

ABSENT: 1

MOTION CARRIED

Mr. Halsey stated for the minutes that he is opposed to the motion, as he feels this is a neighborhood dispute that should have been settled among the neighbors instead of choosing this forum, and that it will set a precedent for many other such requests for exemption from the City ordinance prohibiting parking on the fire hydrant side of the street.

6. Discussion of Sight Distance Problems at Square Lake and John R

Lt. Matlick requests a review of sight distance at the intersection of Square Lake and John R. When cars are stopped at the stop bar on the eastbound approach to the intersection, trying to make a right turn on red, there are trees that block the view of the motorists trying to see oncoming southbound traffic on John R. Lt. Matlick feels the trees are in the right of way, and one suggested solution might be to take the trees down. The other solution may be to install NO TURN ON RED sign for eastbound Square Lake at John R.

NO RIGHT TURN ON RED (NRTOR) signs are normally installed if one or more of the following conditions exist:

1. Sight distance to vehicles approaching from the left is inadequate.

2. The intersection area has geometric or operational characteristics that may result in unexpected conflicts.
3. There is an exclusive pedestrian phase.
4. Significant pedestrian conflicts are resulting from RTOR maneuvers.
5. More than 3 RTOR traffic crashes per year.
6. There is significant crossing activity by children, elderly or physically challenged people.

The mature trees are large and in the right of way, between the sidewalk and the edge of the pavement. Motorists stopped on eastbound Square Lake intending to make a right turn (particularly on red) cannot see southbound traffic. Since the trees form sight obstructions and permanent obstructions in the right of way, the Traffic Committee voted to remove them.

Motion by Kilmer
Supported by Grinnell

To recommend removing trees from the right of way.

YEAS: 6

NAYS: 0

ABSENT: 1

MOTION CARRIED

7 Install STOP/YIELD signs in the Holland Hills Subdivision

Mr. and Mrs. Gus Mattia, 4837 Holland, would like this item to be reconsidered by the Traffic Committee. They have presented a petition signed by 32 Holland Hills residents requesting stop signs at the intersections of Wessels Drive/Holland Drive and Thales Drive/Holland Drive. There has been no considerable change to traffic patterns and crashes since May, when the item was originally considered.

Holland Hills is a new subdivision nearing completion. Holland ends in a dead end north of Wessels, and ends in Tulip Drive to the south. Wessels drive is the entrance to the subdivision and ends in a "T" intersection at Holland. Thales and Holland intersect in a 4-way intersection with six homes on the east side and a connection to the older subdivision on the west side.

A traffic volume study indicates very low volumes on Holland, Thales and Wessels within the subdivision, ranging between 200-500 vehicles per day. Traffic crash analysis was not performed since this is a very new subdivision. A sight distance study shows that there are no sight obstructions at either of these intersections. None

of the requirements (warrants) for a STOP or a YIELD sign are met for either of these intersections. Low volume residential streets are normally not signed for traffic control and rely on driver judgment and basic driver education knowledge for traffic control.

Even though there have been no crashes at these intersections, Mr. Mattia wants signage to prevent *potential* accidents. He stated that there are 33 children in the subdivision. Mr. Mattia feels that the intersections need some traffic control to assign right of way.

Lisa Chin, 4735 Holland, said there is a lot of cut-through traffic from the old subdivision to Dequindre, and many vehicles exceed the speed limit. She feels that STOP signs will slow traffic and create a safer environment to the children. Mr. Solis pointed out that STOP signs give a false sense of security, and motorists forced to stop at an unwarranted STOP sign usually speed up between intersections to make up for lost time. Mr. Solis also suggested that the residents contact our Police Department for speed enforcement.

The committee suggested writing down the license numbers of speeders and reporting them to the police for enforcement. The radar trailer could also be used to indicate to residents and to the motorists just how fast they are traveling.

After considerable discussion, since the major concern was right of way confusion, the committee decided that YIELD signs to assign right of way would be beneficial.

Motion by Kilmer
Supported by Palchesko

To recommend installing YIELD signs on northbound and southbound Holland at Thales, and on westbound Wessels at Holland.

YEAS: 5

NAYS: 1 (Grinnell)

ABSENT: 1

MOTION CARRIED

Mr. Grinnell went on record to say he would prefer that Wessells and Holland have STOP signs instead of YIELD signs.

PUBLIC HEARINGS**9. Request for Sidewalk Waiver – 696 Creston**

Michael Johnson is requesting a waiver for the sidewalk at 696 Creston. There are no sidewalks existing near this parcel. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Mrs. Dorothy Dettloff, 660 Creston, wrote to say there is no need for a sidewalk at 696 Creston, since there are no other sidewalks on the street.

The public hearing was declared open.

No one wished to be heard.

The public hearing was declared closed.

Resolution #2001-07-01

Motion by Kilmer

Supported by Palchesko

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8 (D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Michael Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property line because Creston is already developed with no sidewalks existing.

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a temporary one-year waiver of the sidewalk requirement for the property at 696 Creston, which is owned by Michael Johnson.

YEAS: 5

NAYS: 0

ABSENT: 1

ABSTAINED: 1 (Mr. Grinnell abstained from voting because the petitioner is his neighbor.)

MOTION CARRIED

10. Request for Sidewalk Waiver – 2024 Vermont

Michael Johnson is requesting a waiver for the sidewalk at 2024 Vermont. There are no sidewalks existing near this parcel. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

The public hearing was declared open.

No one wished to be heard.

The public hearing was declared closed.

Resolution #2001-07-02

Motion by Kilmer
Supported by Hubbell

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8 (D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Michael Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property line because Vermont is already developed with no sidewalks existing.

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a temporary one-year waiver of the sidewalk requirement for the property at 2024 Vermont, which is owned by Michael Johnson.

YEAS: 5

NAYS: 0

ABSENT: 1

ABSTAINED: 1 (Mr. Grinnell abstained from voting because the petitioner is his neighbor.)

11. Other Business

The members had no other business to discuss.

12. Adjourn

The next meeting is scheduled for August 15, 2001.

Motion by Hubbell
Supported by Kilmer

To adjourn the meeting at 8:50 p.m.

YEAS: 6

NAYS: 0

ABSENT: 1

MOTION CARRIED

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, July 24, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Chamberlain
Kramer
Littman
Pennington
Reece
Starr
Storrs
Waller

Absent

Wright

Also Present:

Mark Miller, Interim Planning Director
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative
Tracy Slintak, Environmental Specialist
Doug Smith, Real Estate and Development Director
Steve Vandette, City Engineer

Resolution

Moved by: Waller

Seconded by: Reece

RESOLVED, that Commissioner Wright be excused from attendance at this meeting.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

2. PUBLIC HEARING - SPECIAL USE REQUEST (SU-98) – Proposed Belle Tire Expansion – Southeast Corner of Long Lake Road & Rochester Road – Section 14

Mr. Miller noted that this Special Use Request was postponed at the July 10, 2001 Regular Planning Commission meeting, so the petitioner, Fire Department, and Planning Department could resolve the fire lane issue. A revised site plan was submitted that reduced the number of parking spaces and decreased the angle of the

parking spaces. This revision allows for the 18 feet fire lane as requested by the Fire Department. The Planning Department recommended approval of the Special Use Request and revised Preliminary Site Plan.

Mr. Waller inquired as to whether the fire trucks could get into that area. Mr. Miller stated that the fire trucks can make the turn and access the southern area of the building. Also, that the Fire Department would do anything necessary to fight a fire at the property.

Resolution

Moved by: Starr

Seconded by: Littman

RESOLVED, that Special Use Approval, as requested for the expansion of Belle Tire building on a 1.47 acre B-3 Zoned site, having frontage on the south side of Long Lake Road and frontage on the east side Rochester Road is hereby granted, in accordance with section 22.30.06 of the zoning ordinance.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

Resolution

Moved by: Starr

Seconded by: Littman

RESOLVED, that Preliminary Site Plan Approval, as requested for the expansion of Belle Tire building, on a 1.47 acre, B-3 Zoned site, having frontage on the south side of Long Lake Road and frontage on the east side Rochester Road is hereby approved.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

STUDY ITEMS

3. BOARD OF ZONING APPEALS REPORT

Mr. Storrs noted that the vacancy on the BZA was filled by Matthew Kovacs and that there is now a full board on hand. The BZA is asking Council to consider appointing an

alternate to reduce the number of delays that are a result of not having a full BZA present.

4. CURRENT DEVELOPMENT REPORT

Doug Smith, Real Estate and Development Director, noted that a ground breaking ceremony is being held on building frontage property tomorrow, July 25, 2001 for the Altair Building on Big Beaver at the Big Beaver Airport development. He also mentioned that while in Tennessee, the City Council and himself visited the Civic Center / Marriott Hotel in Kingsport, Tennessee. He stated it is the largest and most profitable in the Marriott chain and is located in the Northeast corner of Tennessee and is the size City Council has been considering for Troy with 85,000 to 100,000 square feet of conference area.

After visiting Kingsport, the new City Council members traveled to the Rosemont Theater in Illinois. This performing arts theater has 4,300 seats. City Council has scheduled an August 27th Special/Study meeting to discuss the Civic Center.

Mr. Miller commented that the Tentative Preliminary Plat at Oak Forest subdivision was approved by City Council subject to the City requesting a MDEQ Wetlands Permit public hearing.

In addition, Troy Pines II was granted Tentative Preliminary Plat approval by City Council. The petitioner presented a plat to Council at the meeting that included a cul-de-sac and no frontage on John R. Road.

5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Smith noted the DDA did approve the bond issue for the Big Beaver Project. No August meeting is scheduled. Next meeting will be in September.

6. PROPOSED FUTURE LAND USE PLAN

Mr. Chamberlain commented that discussions regarding the Master Land Use Plan and various potential amendments to it has been brought up for over a period of eight (8) to nine (9) months.

Regarding the one public hearing required to be held for the Future Land Use Plan approval process, Mr. Chamberlain noted that he would like to propose a tentative public hearing at the regular meeting in September. This would allow one more Planning Commission meeting after tonight to complete the necessary revisions prior to the proposed public hearing in September. Mr. Chamberlain asked for comments from the Planning Commission. No comments were made.

Mr. Chamberlain asked the Planning Department to rewrite Mr. Keisling's Future Land Use Plan Text dated June 19, 2001. He commented that sections regarding current status and future projects are not needed in the Future Land Use Plan. He further stated that the data blanks also needed to be provided within the text.

Mr. Chamberlain continued, noting the overlay of the natural features on the Future Land Use Plan in relation to the fire pods. If the fire pods lined up with the natural features, this would be a dual function, then this can be mapped with the Natural Features Ordinance and Future Land Use Plan. Mr. Miller stated that the Preservation Areas are pretty accurate. He presented a Natural Features Map with the Preservation Areas/Fire Pods overlayed. Mr. Chamberlain asked if there were any comments on making this appropriate for our Future Land Use Plan and stated that this is one of our more important things we need to get into. No comments were made.

Mr. Miller asked Ms. Slintak if the Natural Features Map was going to be revised. Ms. Slintak stated there would be no drastic revisions, except the drains will be added to the map. Mr. Chamberlain stated that as far as the Future Land Use Plan goes, the drains are not necessary.

Mr. Littman asked Ms. Slintak if the Natural Features Map shows drains, will the retention and detention basins be shown? Ms. Slintak replied that these will probably not appear on this map.

7. DRAFT – CHAPTER 37 – WETLANDS ORDINANCE &
8. DRAFT – CHAPTER 38 – NATURAL FEATURES PROTECTION ORDINANCE

Mr. Chamberlain noted that a memo from the City Attorney was received addressing the legal issues and questions related to the proposed ordinances. Mr. Kramer discussed the Natural Features Ordinance and setback requirements. Mr. Kramer commented that woodlands is an amenity in some cases where the architecture allows construction in a wooded area. Mr. Chamberlain commented that the setbacks could be unreasonable. Mr. Littman commented that individual situations could dictate different setbacks.

Mr. Waller stated that Mayor Pryor asked about a ruling made by the Attorney General concerning Wetland setbacks. Has this been investigated? Ms. Bluhm noted that the Attorney General's opinion states that Wetlands cannot be expanded with required setbacks. However, Natural Features Ordinances can require setbacks.

Mr. Storrs commented that the 50 foot setback is an arbitrary number and it could be reduced. Ms. Bluhm noted that a setback provides an area to build a swale to keep chemicals from impacting the natural feature.

Mr. Chamberlain asked Mr. Kramer how he wanted to settle the setback issue. Mr. Kramer stated they should be relative to their intent and handled on an individual

basis. Ms. Bluhm commented that it is best to have a standard for setbacks. Mr. Kramer asked how the setback can be altered. Ms. Bluhm answered that City Council can grant variances. Mr. Chamberlain stated that he did not like where someone personally likes you or dislikes you decides, whether a variance gets approved. This is not fair and a standard needs to address setbacks.

Ms. Slintak noted that natural features require a buffer or setback to eliminate or reduce impacts.

Mr. Chamberlain commented that if a homeowner decides to do something with his backyard, who is going to enforce the proposed ordinances? How is the homeowner going to know the regulations? Ms. Slintak stated that the City does not look for problems unless the neighbors make a complaint. Notification of requirements could be included in tax bills, water bills, newsletters, etc. The Natural Features Map is notification there is a resource on individual properties. Mr. Chamberlain asked what is the penalty for a violation. Ms. Bluhm stated it is a misdemeanor.

Mr. Miller stated that the Planning Department would coordinate the development approval process. When a proposal comes to the Planning Commission, there would be development approval and a Wetlands and Natural Features Permit Request at the same meeting.

Mr. Chamberlain asked when the final map will be ready. Mr. Miller stated the earliest would be September. Engineering Department is working on a letter for all affected property owners. The affected property owners would then be requested to send back their reply as to whether or not they will attend the meeting. Mr. Chamberlain stated that the Planning Commission will need a special meeting for the Public Hearing. Mr. Chamberlain stated we need to notify City staff that we need to have a final map before the effective date of the Ordinance.

Mr. Miller commented that Engineering is currently in the process of compiling the affected property address list. Ms. Slintak stated it is not complete.

Mr. Littman stated that the Planning Commission was to have a public hearing on the map and that Council is also going to have a hearing on the map. It was also stated that the Planning Commission will have a hearing for the text and map and that City Council will have a hearing for the text and map.

Mr. Kramer asked Ms. Bluhm what happens to existing situations without a buffer or setback today. Ms. Bluhm stated that property currently developed would be encouraged to keep the natural habitat as much as possible. Mr. Miller stated that there are standards for existing conditions and exempts some situations from the proposed regulations.

Mr. Storrs commented that the Planning Commission should have the public hearing just on the text, and that maybe Council would approve the map. Mr. Chamberlain

commented that he was led to believe that one of the key things we needed was the map.

Ms. Pennington asked if woodlands are a Natural Feature. Ms. Bluhm stated yes; however, the City's ordinances related to trees and woodlands need to be revised.

Mr. Miller commented that currently, a Preliminary Plan requires the submittal of a Preliminary Tree Preservation Plan that is basically a tree inventory. Prior to Final Plan approval, the developers obtain a Final Tree Preservation plan approval from the Parks and Recreation Department.

Considerable discussions occurred regarding woodlands and tree preservation methods with the Planning Commission members and staff.

Mr. Keoleian stated that a 50 foot natural features setback is confusing and should be reviewed by individual proposals. Mr. Storrs stated he was thinking along those same lines. Mr. Storrs also stated that many townships have considerable development yet to occur and 25 feet setbacks are used. Mr. Chamberlain asked if drains are considered a Natural Feature that is regulated. Ms. Bluhm answered that drains may be a Natural Feature and that the proposed ordinance permits the improvement and maintenance of county drains.

The Planning Commission members and staff discussed at length the proposed regulated Natural Features. Mr. Chamberlain asked Mr. Kramer to prepare an outline of some of his concerns and submit them to the Planning Commission for the next special/study meeting.

The Planning Commission developed a consensus that it should conduct a Public Hearing for both the proposed Natural Features Map and the proposed Ordinances.

Mr. Kramer asked how the public will be informed of how the proposed Ordinances will affect them. Ms. Slintak answered that the Engineering Department is developing two (2) lists of all the property owners affected by the Natural Features Map. Ms. Slintak stated that there are over 3,000 parcels that could be affected.

Mr. Chamberlain commented that it is very important for the Planning Commission to send comments to City Council. In addition, he stated that the Commission needs direction regarding the public hearings from City Management. Mr. Waller stated the Planning Commission has potential new responsibilities under the proposed ordinances. Additionally, the Commission will have to learn how to deal with Wetlands and Natural Features. Mr. Chamberlain is concerned the Commission will become a referee in these matters.

9. SITE PLAN REVIEW – Preliminary Plan Approval of Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3

Mr. Miller stated that this proposal was postponed at the June 12, 2001 Regular Meeting. At this meeting there were five residents of the Ottawa/Marengo/Rochester area who presented stormwater drainage problems to the Planning Commission. A correspondence from City Management is provided in the agenda packet that addresses some of the storm water concerns. In addition, Steve Vandette, City Engineer, was requested to attend the Study Meeting to answer questions related to the storm water problems. Further he stated, additional topographic information was added to the site plan as requested by the Planning Commission. There are no known violations on the subject property and the City Engineer will answer questions. All Zoning Ordinance requirements continue to be met. The Planning Department recommends approval of the Preliminary Site Plan.

Mr. Storrs commented regarding the difference of the road pavement on the west end of the proposed development. Mr. Miller stated that pavement is only a half width to allow the alignment of Oberlin Street, which is unusual, because it is currently only 25 feet wide. When the property to the west is to be developed, a full width right-of-way and street would be installed.

Mr. Chamberlain asked, what is the City doing to solve the storm water problems near the proposed development?

Steve Vandette, City Engineer, addressed the storm water drainage problems. Initially, he demonstrated that the storm water flows to Rochester Road, and the existing rear yard drains had silted up. These private drains are no longer functioning. City staff met with the Rochester Road frontage property owners regarding a rear yard drain program to alleviate rear yard drainage problems. This started approximately 2-3 months ago. The City will build catch basins and storm sewers without cost to the property owners. A meeting is scheduled to meet with property owners to finalize this plan. The Public Works Department will be responsible for these improvements. Even if Peacock Farms is never constructed, these rear yard storm sewers will be constructed by the City. Mr. Vandette stated that the project would outlet to Rochester Road and will be constructed in 2001.

Further, Mr. Vandette stated that the drains will help dry out the rear yard areas of the homes adjacent to the proposed Peacock Farms, and storm water will be directed into the detention basin. This basin is designed for a 10 year storm. It has an overflow system of swales and ditches. This development would provide a storm sewer system that will improve the storm drainage patterns.

Mr. Littman asked if this development and the City Project will help the Marengo area drainage problem. Mr. Vandette stated he was not sure if the situation will improve and

that anyone who lives in this Marengo area and has water problems should contact Tim Richnak of the Public Works Department – Streets and Drains.

Mr. Kramer stated that way more detail than normal was provided. Peacock Farms will help solve some of the problems. He is in favor of approving the Peacock Farms Site Condominium.

Bob McComb, a representative from Peacock Farms, stated that Peacock Farms will reduce water volume to the Rochester Road properties. Mr. Storrs asked about the grades at the property lines. Mr. McComb replied that there will be a swale system. Al Bayer, Engineer with Nowack and Frauss, explained the new cross-sections were provided on the site plan. Mr. Chamberlain asked if there were any further comments from the audience.

Jane Bisson, 6295 Rochester Road, noted that Lot 3 has had the lowest elevation on Rochester Road for the last seven (7) years and has been wet for the last two (2) years. If there is going to be rear yard drains installed, and a neighbor does not have rear yard drains on their property, is her drain going to have to handle their flow. Mr. Vandette stated that Peacock Farms storm water drainage will reduce that storm water flow to the Rochester Road properties.

Tom Patton, 841 Ottawa, stated he has heard several inaccuracies and that there has been water near his garage and basement. He noted concern of the lowering of property values because the proposed units are smaller than the existing lots.

Dan Lilly, 926 Marengo, stated that he has one of the lowest elevations. Both his shed and house are near the 100 year flood plain. Water comes very close to his house.

Mr. Chamberlain stated that the Marengo residents should get together and submit in writing to the City their flood problems; specifically, Tim Richnik.

Ms. Bluhm stated this is a site plan and there is not a lot of flexibility. If it meets all the Zoning Ordinance requirements, then it has to be approved. The Planning Commission cannot take into account the reduction of property values. Mr. Chamberlain stated that ten (10) years ago we did deny a development on this very basis and the City was not successful in court litigation.

Mr. Waller stated that he is satisfied with the proposed development and it has adequately met the Zoning Ordinance requirements.

Resolution

Moved by: Littman

Seconded by: Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Peacock Farms, in the area west of Rochester Road and north of Square Lake Road, be approved.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

10. PUBLIC COMMENT

Jane Bisson, 6295 Rochester Road, asked if property in litigation could be developed?

Cheryl Nielsen, 900 Marengo, stated that someone is bulldozing debris into the private drain south of Marengo. Ms. Bluhm stated that evidence, such as photographs and/or license plate numbers need to be gathered.

John Weyhrauch, 2088 Highbury, commented on St. Petka Church, and stated that it should include a joint driveway with the High School. Please work towards the provision of a joint driveway.

11. GOOD OF THE ORDER

Mr. Miller stated that St. Petka is proposing to eliminate the joint driveway and it will be presented at the August Regular Meeting. In addition, the Wetlands Map shows potential wetlands at this site.

Mr. Waller stated that City Council does need to give the Planning Commission some direction regarding cross-access for condominiums.

Mr. Storrs commented that when we make our decisions, we need to think of the next 30 years.

Mr. Miller noted the reappointment of Jordan Keoleian as Student Representative to the Planning Commission. Mr. Keoleian stated he was very pleased to continue as part of the Planning Commission.

Mr. Chamberlain requested a list of Special Uses be given to the Planning Commission before the next meeting.

The meeting was adjourned at 10:00 PM

Respectfully submitted,

Mark F. Miller
Interim Planning Director

**TROY DAZE MINUTES
JULY 24, 2001**

Called to order at 7:30PM by Jim Cyrulewski

Present:	Sue Bishop	Cheryl Whitton-Kaszubski
	Jim Cyrulewski	Bill Hall
	Jeff Biegler	Dick Tharp
	Cele Dilley	Bob Matlick
	Cindy Stewart	

Chairpersons & Guests:	Scott Wharff	JoAnn Preston
	Tom Kaszubski	Robert Preston
	Jeff Winiarski	Jeff Stewart
	Gail Anderson	Shirley Darge
	Bob Broquet	Megan Cyrulewski
	Diane Mitchell	Lois Cyrulewski
	Tom Connery	Mark Richter
	Cyndee Krstich	Dave Lambert

Motion by Cheryl, second by Dick, and carried, to excuse Bob, Kessie, and Eldon

Secretary Report – Motion by Sue, second by Cheryl and carried, to accept minutes as submitted.

New Business – Motion by Dick, second by Sue and carried, to appoint Megan Cyrulewski to the Teen Special Event Committee, Bill Hall to Co-Chair the Troy Daze Information Booth Committee, and Mark Richter to Chair the 5/10K Race.

Old Business – **CONTRACT & PURCHASE ORDER UPDATE** – Shirts are to be green this year, need more information from Bob regarding quantity and size. Also a second Corporate Sponsor, Comcast, will be added to the shirt this year. Bob is working with the vendor and Risk Management for pony rides. Jeff has received quotes for the stage/dance floor/lighting, portable toilets, and trailers. He will be issuing purchase orders soon. He has the sound P.O. finished and will be working on one for electrical in the near future. He is still waiting for more quotes for the portable lighting and golf carts. Jeff received quotes for tents and informed the Board that the extra large tents they expressed an interest in would be \$12,240.00 and he needs a decision on the amount to be spent. Motion by Cheryl, second by Dick and passed, to table this item and suspend meeting until after the Committee meeting.

Meeting reconvened at 9:26PM.

Continuation of Old Business regarding tents. Last year, expenses for tents were at least \$12,000.00. If the larger tents are used the cost will be more, but may require less time and labor for set up. There is a new layout this year and the larger tents would probably create a better traffic flow. The festival is growing, the layout could change again, even the venue could change and this may well be the best opportunity to test the larger size tents.

Motion by Sue, second by Cheryl, and passed, to go with the larger tents this year.

Adjourned at 9:42PM

Next Troy Daze Advisory Committee meeting, August 28, 2001, at 7:30PM to be followed by Festival Committee Meeting.

A meeting of the Municipal Building Authority of Troy was held on Tuesday, July 31, 2001, at City Hall, 500 W. Big Beaver, in Conference Room C. The meeting was called to order at 4:00 p.m.

PRESENT: John A. Gleeson
Robert J. Krokosky
John M. Lamerato
William S. McCain

ABSENT: Frank A. Taube, III

APPROVAL OF MINUTES

Resolution # 01-01

Moved by McCain

Supported by Lamerato

RESOLVED, that the minutes of the June 8, 2000 meeting be approved.

Yeas: All 4

Absent: Taube, III

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT OF LEASE, AUTHORIZING CERTAIN FILINGS WITH THE MICHIGAN DEPARTMENT OF TREASURY AND AUTHORIZING REIMBURSEMENT FROM BOND PROCEEDS.

Resolution # 01-02

Moved by McCain

Supported by Krokosky

RESOLVED, that the Municipal Building Authority of Troy hereby approve the Contract of Lease authorizing certain filings with the Michigan Department of Treasury, authorize reimbursement from bond proceeds and a copy of the resolution will be attached to the official minutes of this meeting.

Yeas: All 4

Absent: Taube, III

ELECTION OF OFFICERS

Resolution # 01-03

Moved by Lamerato

Supported by Gleeson

RESOLVED, that Robert J. Krokosky be elected Secretary of the Municipal Building Authority of Troy.

Yeas: All 4

Absent: Taube, III

The meeting was adjourned at 5:05 p.m.

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 11, 2001.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 11, 2001

Motion by Nelson
Supported by Richnak

MOVED, to approve the minutes of the meeting of July 11, 2001 as written.

Yeas: 5 – Dziurman, Kessler, Nelson, Richnak, Zuazo

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. NICK MITCHELL, ATHENS PLAZA – 120-140 W. MAPLE, for relief to maintain the 45" high section of fence located within the front yard setback.

Ms. Norvell explained that the petitioner is requesting renewal of relief granted by this Board to maintain the 45" high section of fence located within the front yard of the property. Petitioner owns a multi-tenant commercial center located on the north side of Maple between Livernois and Thunderbird. This item first appeared before the Building Code Board of Appeals in July 1992. In July 1996 this Board granted a renewal of this variance for a period of five (5) years.

Mr. Mitchell was present and stated that he had installed the fence because of people trespassing in this area. He was concerned that someone would get hurt due to the fact that there is a 2 ½' drop in the elevation between his site and the property to the east. Mr. Mitchell asked if there was any way the Board could make this a permanent variance.

The Building Department has no complaints or objections on file.

Motion by Nelson
Supported by Zuazo

ITEM #2

MOVED, to grant Mr. Nick Mitchell, Athens Plaza, 120-140 W. Maple a permanent variance to maintain the 45" high section of fence located within the front yard setback.

- This variance is a permanent variance unless this property is sold, at which time it would become void.
- There are no complaints or objections on file.

Yeas: 4 – Dziurman, Nelson, Kessler, Zuazo

Abstain: 1 – Richnak

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #3 – VARIANCE REQUEST. JUDY KENNEDY, GULF INTEREST, INC., CEDAR RIDGE ESTATES CONDOMINIUM, BIG BEAVER EAST OF JOHN R., for relief of Chapter 83 to construct a 6' high privacy fence in the front setback along E. Big Beaver.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to construct a 6' high privacy fence 15' from the rear lot lines of units 1-12 of the Cedar Ridge Estates Condominiums. Because units 1-12 back to Big Beaver and the adjacent properties front on Big Beaver Road, they are classified as double front, thru-lots. As such, Chapter 83 requires a 25' minimum setback along Big Beaver for any fence over 30" high.

This item first appeared before this Board at the July 11, 2001 meeting and was tabled to allow the petitioner to investigate the possibility of using vinyl fencing rather than a wooden fence and also to determine exactly what type of fence they would install.

Ms. Kennedy was present and stated that she had investigated this matter thoroughly and discovered that a vinyl fence would cost them at least \$20,000.00 more than a wooden fence and they would not consider putting up this type of fence. Ms. Kennedy further stated that they felt that the vinyl fencing would not fit in with the area, as it would present a harsh, stark appearance. Ms. Kennedy explained that the wood fencing would blend in with the area and reinforced the statement that the cost of maintenance for this fence would be taken care of by the Homeowners Association, as noted in the deed restrictions. Ms. Kennedy also said that this would eliminate the need for the homeowners to come to the Board and ask for a variance for a privacy fence which could lead to several different types of fencing rather than one fence which would be consistent along the length of the property. Ms. Kennedy went on to say that she was informed that steel posts are now used as corner posts, which gives the wooden fence more stability.

ITEM #3

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Richnak questioned Ms. Kennedy regarding the berm and proposed landscaping. Ms. Kennedy stated that the berm would be 2 ½' – 3' high and they are planning on adding ornamental trees as well as evergreens along the fence line. Mr. Richnak felt that the landscaping would help to obscure the fence from Big Beaver due to the fact that besides planting trees they are also planting low growing evergreens.

Mr. Nelson asked what type of fence they were planning to erect and Ms. Kennedy said that they were planning on using a solid dog-ear type of fencing.

Motion by Nelson
Supported by Richnak

MOVED, to grant Judy Kennedy, of Gulf Interest, Inc., Cedar Ridge Estates Condominium, Big Beaver east of John R., relief of Chapter 83 to construct a 6' high privacy fence in the front setback along E. Big Beaver.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The Homeowners Association will provide for maintenance of the fence.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Nays: 1- Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. TARA CARDELLA, OAKLAND MALL LIMITED, 500 W. FOURTEEN MILE, for relief of Chapter 78 for the placement of a special event sign from November 1, 2001 through December 26, 2001 (56-day period).

Petitioner is requesting relief for the placement of a special event sign over the existing pylon sign and frame facing the I-75 Expressway, from November 1, 2001 through December 26, 2001 (56-day period). Section 9.01 of Chapter 78 limits the time period for a sign to advertise a special event to seven (7) days.

A similar request appeared before this Board at the meeting of September 2000 and was approved.

Ms. Cardella was present and stated that this request was exactly the same as the request from last year, the only difference being that they were planning on reducing the back light.

ITEM #4

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or complaints on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant the request of Tara Cardella, Oakland Mall Limited, 500 W. Fourteen Mile, for relief of Chapter 78 for the placement of a special event sign from November 1, 2001 through December 26, 2001 (56-day period).

- Variance is not contrary to public interest.
- Variance will not establish a prohibited use.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. KATHLEEN DEBURGHGRAEVE, REPRESENTING NORTHFIELD HILLS CONDOS, 1850 BRENTWOOD, for relief of Chapter 78 to allow the placement of 20 off-site signs for a 7-day period.

Ms. Norvell explained that the petitioner is requesting relief of the Sign Ordinance to allow the placement of 20 off-site signs for a 7-day period in relation to a special event being held on Sunday, August 26, 2001. The Sign Ordinance limits the number of off-site signs to 4. A similar request appeared before this Board at the meeting of August 2, 2000 and was approved.

The petitioner was not present. Mr. Dziurman stated that this event has been going on for number of years and we have not received any complaints regarding these off-site signs. Mr. Dziurman also did not wish to table this item, allowing the petitioner to be present, as the event would be over before the next meeting of the Building Code Board.

There is one written approval on file. There are no written complaints on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Nelson
Supported by Richnak

ITEM #5

MOVED, to grant the request of Kathleen Deburghgraeve, representing Northfield Hills Condos, 1850 Brentwood, for relief of Chapter 78 to allow the placement of 20 off-site signs for a 7-day period.

- There are no complaints on file.
- Signs will be removed immediately following the event.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. YOUSSEF (JOE) CHECHAYEB, CHOICE DEVELOPMENT, STONEHAVEN WOOD EAST – CORNER OF CROOKS AND THE NEW STREET SALMA, for relief of Chapter 83 to construct a 6' high masonry/metal wall with two 10'-4" high end columns at the entrance to the new Stonehaven Woods East Subdivision.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to construct a 6' high masonry/metal wall, 10' from the east lot lines, with two 10'-4" high end columns at the entrance to the new Stonehaven Woods East Subdivision. The petitioner is requesting placement 10' from the property line, where 50' is required. This wall would be located at the corner of Crooks Road and the new street Salma. The lots at Salma and Crooks are double front corner lots. As such, Chapter 83 limits fences and walls in front yard setbacks to 30" in height.

Mr. Jim Gideon of Choice Development was present and stated that there are several subdivision entrance walls of this type throughout the City and requires a minimum of maintenance due to the fact that the wall will be constructed of solid brick with a stone top and wrought iron. Mr. Gideon also stated that originally they had planned to make the end columns 10'-4" high, however, they have changed the height of these columns to 8'.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Kessler
Supported by Richnak

ITEM #6

MOVED, to grant Youssef (Joe) Chechayeb, Choice Development, Stone Haven Woods East, corner of Crooks and the new street Salma, relief of Chapter 83 to construct a 6' high masonry/metal wall with two 8' high-end columns at the entrance to the new Stonehaven Woods East Subdivision.

- The Homeowners Association will do maintenance of the wall.
- Variance is not contrary to public interest.
- End columns will be 8' high as stated by the petitioner.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 - VARIANCE REQUEST. GHAFARI ASSOCIATES, INC., REPRESENTING DELPHI, 5820 & 5825 DELPHI DRIVE, for relief of the 1997 International Plumbing Code (IPC) Section 708.8.

The 1997 IPC states that manholes are required for building sewers, which are 8-inches and larger, where there is a change in size or direction and at intervals of not more than 400 feet. The petitioners are in the process of constructing 2 new buildings and are proposing to collect five (5) separate, 8-inch diameter roof drainage leads each on the east side of building D and the west side of Building C into a common header of specified diameter. The connections into the header would utilize wyes or elbow type fittings for change in direction in lieu of a manhole at each point of connection to header. Included in the proposed system are cleanouts on the inside of the building wall where each of the 8-inch leads exit the building plus cleanouts on the header pipe at intervals not exceeding 100 feet. The petitioner is asking for relief of this modified system.

Mr. Patrick Smithbauer, Vice President of Ghafari Associates, L.L.C., Mr. David Pamula, Manager, Civil Engineer for Ghafari Associates and Chris Vanhartesveh of Waldbridge Associates were present. Mr. Pamula stated that there are two long buildings presently under construction at the Delphi site and the plans were initially approved by the Engineering Department. After the work was done, the City of Troy Engineering Department came out and approved the site, however, the City of Troy, Plumbing Inspector, would not approve this construction because he felt that manholes would be required.

Mr. Pamula further stated that there are five (5) separate drainage systems located at each of the waste points and a clean out located at 100' intervals. Mr. Pamula further stated that if they had to put in manholes at this point, it would be under considerable expense, especially since this plan had been approved before they installed this system.

ITEM #7

Mr. Dziurman asked if all other drainage goes into manholes and Mr. Kessler replied that if the drainage system was within 30" of the building it would automatically have been approved, however, due to the fact that it is approximately 4' to 5' away from the building, a variance is required. Mr. Kessler also stated that normally storm water is considered to be "clean" water and maintenance of the system would be minimal. Mr. Dziurman asked if there was a secondary drainage system and Mr. Kessler stated that there was.

Mr. Richnak asked about landscaping around this drain and Mr. Vanhartesyeh stated that there is approximately 2' of stone around the building, then sod and then sidewalk.

Motion by Nelson
Supported by Richnak

MOVED, to grant Ghafari Associates, Inc. representing Delphi, 5820 & 5825 Delphi Drive relief of 1997 International Plumbing Code (IPC) Section 708.8.

- Variance is not contrary to public interest.
- Plan was originally approved by the Engineering Department

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

GN/pp

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 8, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Robert Crawford
Thomas Houghton, Chairman
John M. Lamerato
Anthony Pallotta
John Szerlag

ABSENT: Mark Halsey

EXCUSE ABSENT TRUSTEE

Resolution # 01-28

Moved by Pallotta

Seconded by Szerlag

RESOLVED, that Mark Halsey be excused.

Yeas: All 6

Absent: Halsey

MINUTES

Resolution # 01-29

Moved by Pallotta

Seconded by Crawford

RESOLVED, that the minutes of the July 11 and July 18, 2001, meetings be approved.

Yeas: All 6

Absent: Halsey

RETIREMENT REQUESTS

Resolution # 01-30

Moved by Pallotta

Seconded by Crawford

RESOLVED, that the non-duty disability retirement request of John W. Bulman, 8/8/01, be approved.

Yeas: All 6

Absent: Halsey

Resolution # 01-31

Moved by Pallotta

Seconded by Crawford

RESOLVED, that the deferred retirements of Douglas MacFarlane, 1/4/01, and Catherine Renaud, 8/5/01, be approved.

Yeas: All 6

Absent: Halsey

OTHER BUSINESS

Retiree Healthcare Issues

Resolution # 01-32

Moved by Pallotta

Seconded by Calice

RESOLVED, that the Board recommend City Council approve adjusting the current city share of retiree health care to 3% per year of credited service or \$400 per month, whichever is greater.

Yeas: All 6

Absent: Halsey

Membership Service

Resolution # 01-33

Moved by Pallotta

Seconded by Calice

RESOLVED, that further discussion of membership service be postponed to the September 12, 2001 Board Meeting.

Yeas: All 6

Absent: Halsey

December 31, 2000 Actuarial Valuation

Resolution # 01-34

Moved by Crawford

Seconded by Pallotta

RESOLVED, that the Board receive and file the December 31, 2000 actuarial valuation.

Yeas: All 6

Absent: Halsey

Post-Retirement Health Reserve

Resolution # 01-35

Moved by Calice

Seconded by Pallotta

RESOLVED, that the City transfer funds from the pension reserve to the health reserve to approximate a 100% funded position.

Yeas: All 6

Absent: Halsey

INVESTMENTS

Resolution # 01-36

Moved by Crawford

Seconded by Szerlag

RESOLVED, that the Board invest \$500,000.00 in the Cohen & Steers Equity Income Fund.

Yeas: All 6

Absent: Halsey

The next meeting is September 12, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 4:00 p.m.

The meeting was called to order at 7:37 p.m. by James Moseley in Conference Room C.

PRESENT: David Balagna W. Stan Godlewski James Moseley James Peard Sergeant George Zielinski Marsha Livingston, Office Coordinator	ABSENT: Max Ehlert Thomas Sawyer John Walker Jennifer Gilbert, Student Rep
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Moved by Balagna, seconded by Peard, to EXCUSE the absent member(s).
APPROVED unanimously

Moved by Balagna, seconded by Godlewski, to APPROVE the minutes of the June 11, 2001 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **CHC REIT LESSEE CORP. (A FLORIDA CORPORATION)** requests to drop GENCOM LESSEE, LIMITED PARTNERSHIP (A DELAWARE LIMITED PARTNERSHIP) and PA TROY HOSPITALITY INVESTORS, LIMITED PARTNERSHIP (A VIRGINIA LIMITED PARTNERSHIP) as co-licensees and add CHC REIT MANAGEMENT CORPORATION (A FLORIDA CORPORATION) and MAR-TY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) as co-licensees in 2000 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars, located at 200 W. Big Beaver, Troy, MI 48084, Oakland County, and requests a new SDM license. [MLCC REF#95266]

Present to answer questions from the committee was John Carlin.

Mr. Carlin distributed copies of the previous ownership chart and the current ownership chart to show the members. The previous owner, CHC Hotels & Resorts Corp, was bought out by Wyndham International, Inc. so the hotel became a subsidiary of Wyndham International, Inc. Then Patriot American Hospitality, Inc. merged with Wyndham International, Inc. and became a new subsidiary of Wyndham. The changes effected only this hotel and a hotel in Saginaw, Michigan. Basically, top management are the only people that know about this change in ownership.

There has been only one violation in July 2000, which ended up being dismissed. The violation was for Sale to Minor.

There will be no changes in the hotel, which will still be operated by Marriott. Upper management people have all stayed the same.

Moved by Balagna, seconded by Peard, to APPROVE the above request.
APPROVED unanimously

A discussion was held by members of the committee regarding sending a memo to City Council from the committee to limit liquor licenses (transfers/resorts).

Moved by Balagna, seconded by Godlewski, to APPROVE the above request.
APPROVED unanimously

Moved by Peard, seconded by Balagna, to ADJOURN the meeting at 7:54 p.m.
APPROVED unanimously

ML/ml

DATE: August 1, 2001

TO: John Szerlag, City Manager

FROM: Mark Stimac, Director of Building & Zoning

SUBJECT: Permits issued during the Month of July 2001

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Completion (New)	2	\$255,000.00	\$1,666.40
Add/Alter	6	\$712,000.00	\$5,114.00
Repair	1	\$13,285.00	\$262.00
Sub Total	9	\$980,285.00	\$7,042.40
<u>COMMERCIAL</u>			
Tenant Completion	7	\$2,322,000.00	\$14,491.80
Add/Alter	18	\$1,863,154.00	\$13,228.60
Sub Total	25	\$4,185,154.00	\$27,720.40
<u>RESIDENTIAL</u>			
New	23	\$2,941,729.00	\$35,591.10
Add/Alter	59	\$947,319.00	\$12,205.00
Garage/Acc. Structure	6	\$38,778.00	\$820.00
Pool/Spa/Hot Tub	14	\$110,364.00	\$1,995.00
Repair	3	\$59,997.00	\$815.00
Fire Repair	1	\$21,825.00	\$270.00
Wreck	3	\$0.00	\$390.00
Fnd./Slab/Footing	8	\$32,299.00	\$840.00
Sub Total	117	\$4,152,311.00	\$52,926.10
<u>TOWN HOUSE/CONDO</u>			
New	19	\$1,988,238.00	\$17,608.35
Add/Alter	8	\$98,500.00	\$1,085.00
Garage/Acc. Structure	1	\$0.00	\$820.95
Sub Total	28	\$2,086,738.00	\$19,514.30
<u>MULTIPLE</u>			
Add/Alter	1	\$2,400.00	\$105.00
Garage/Acc. Structure	4	\$17,920.00	\$390.00
Sub Total	5	\$20,320.00	\$495.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	1	\$350,000.00	\$2,096.00
Sub Total	1	\$350,000.00	\$2,096.00

MISCELLANEOUS

Satellite/Antennas	1	\$30,000.00	\$395.00
Signs	26	\$0.00	\$2,745.00
Fences	24	\$0.00	\$204.00

Sub Total	51	\$30,000.00	\$3,344.00
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TOTAL	236	\$11,804,808.00	\$113,138.20
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PERMITS ISSUED DURING THE MONTH OF JULY 2001

	NO.	PERMIT FEE
Mul. Dwel. Insp.	24	\$240.00
Cert. of Occupancy	73	\$2,985.50
Plan Review	145	\$4,607.70
Microfilm	35	\$480.00
Building Permits	236	\$113,138.20
Electrical Permits	189	\$13,273.00
Heating Permits	152	\$8,710.00
Air Condt. Permits	79	\$3,915.00
Plumbing Permits	153	\$11,141.00
Storm Sewer Permits	18	\$1,174.00
Sanitary Sewer Permits	11	\$364.00
Sewer Taps	45	\$9,020.00

TOTAL	1160	\$169,048.40
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LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JULY 2001

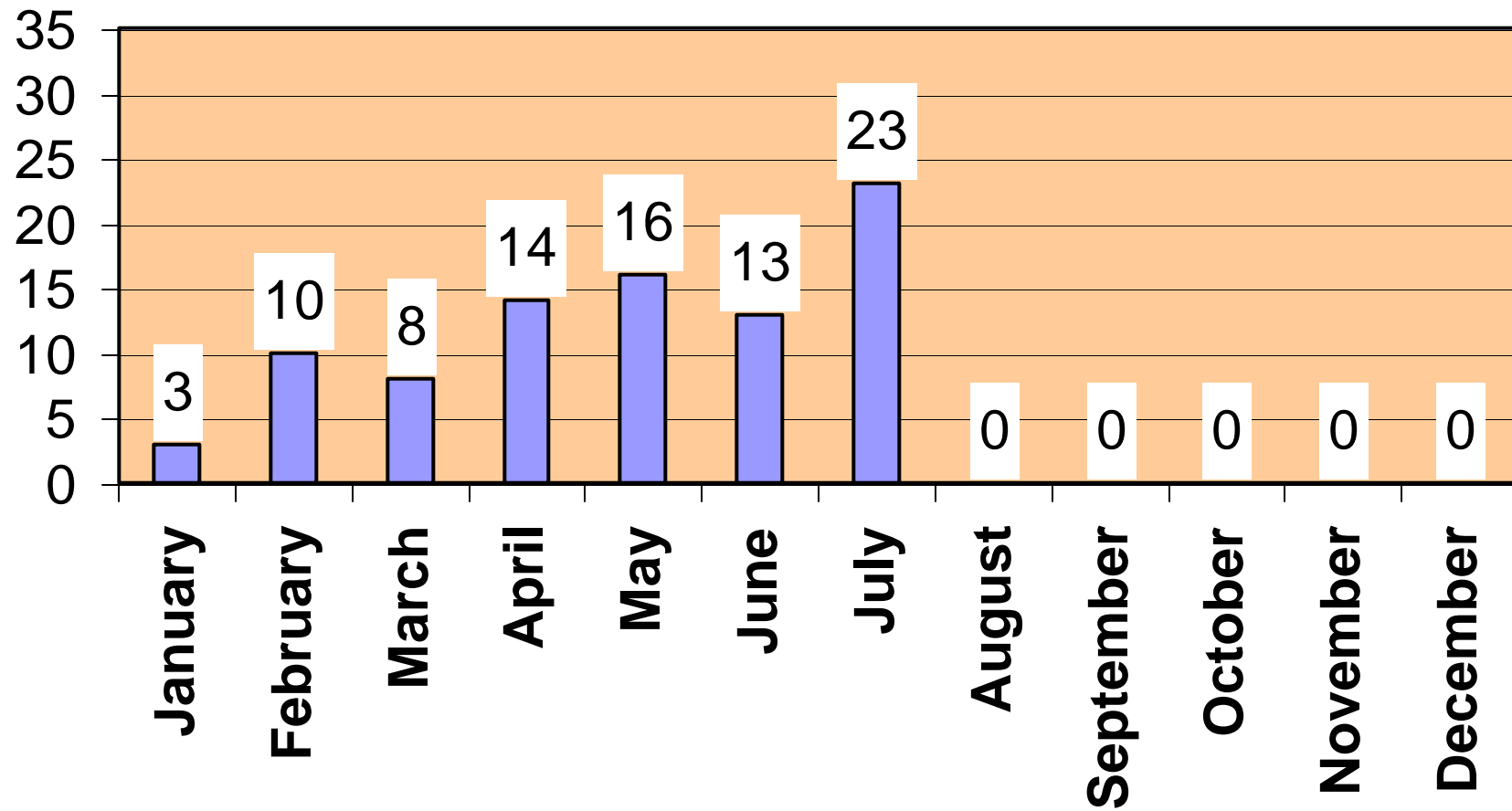
	NO.	LICENSE FEE
Mech. Contr.-Reg.	16	\$80.00
Elec. Contr.-Reg.	33	\$465.00
Master Plmb.-Reg.	31	\$31.00
Sewer Inst.-Reg.	5	\$250.00
Sign Inst. - Reg.	6	\$60.00
E. Sign Contr-Reg.	5	\$75.00
Fence Inst.-Reg.	3	\$30.00
Bldg. Contr.-Reg.	35	\$350.00
F.Alarm Contr.-Reg.	1	\$15.00

TOTAL	135	\$1,356.00
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BUILDING PERMITS ISSUED

	BUILDING PERMITS 2000	PERMIT VALUATION 2000	BUILDING PERMITS 2001	PERMIT VALUATION 2001
JANUARY	127	\$9,597,140	119	\$9,498,180
FEBRUARY	110	\$18,640,569	100	\$49,679,118
MARCH	191	\$20,582,303	136	\$6,942,449
APRIL	190	\$8,338,850	204	\$19,831,458
MAY	236	\$46,004,432	207	\$26,481,050
JUNE	248	\$23,437,116	196	\$20,081,116
JULY	171	\$10,035,286	236	\$11,804,808
AUGUST	222	\$15,738,038	0	\$0
SEPTEMBER	159	\$20,948,232	0	\$0
OCTOBER	165	\$18,737,731	0	\$0
NOVEMBER	168	\$19,909,483	0	\$0
DECEMBER	99	\$12,831,351	0	\$0
TOTAL	2086	\$224,800,531	1198	\$144,318,179

SINGLE FAMILY DWELLING PERMITS 2001



Printed: Aug 1, 2001

Page: 1

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF JULY 2001

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	RETAIL BUILDERS, INC.	360 JOHN R	108,500.00
Commercial, Add/Alter	DON WEBB	250 STEPHENSON 200	400,000.00
Commercial, Add/Alter	MARRIOTT HOTEL	200 W BIG BEAVER 1212	230,000.00
Commercial, Add/Alter	ARNETT CONSTRUCTION	2800 W BIG BEAVER R-244	248,664.00
Commercial, Add/Alter	WESTWOOD CONTRACTORS	2800 W BIG BEAVER W-318	243,990.00
Total Commercial, Add/Alter			1,231,154.00
Commercial, Tenant Completion	COMM CONTRACTORS INC	1221 COOLIDGE	300,000.00
Commercial, Tenant Completion	SYNERGY GROUP, INC.	5151 CORPORATE EAST	575,000.00
Commercial, Tenant Completion	SYNERGY GROUP, INC.	5151 CORPORATE EAST	575,000.00
Commercial, Tenant Completion	GEORGE NINIOWSKY	101 W BIG BEAVER 505	216,000.00
Commercial, Tenant Completion	GEORGE NINIOWSKY	101 W BIG BEAVER 645	110,000.00
Commercial, Tenant Completion	RAY YONIK	2801 W BIG BEAVER D-106	500,000.00
Total Commercial, Tenant Completion			2,276,000.00
Industrial, Add/Alter	CHARLES BENNETT	1804 MAPLELAWN	600,000.00
Total Industrial, Add/Alter			600,000.00
Industrial, Completion New	THE A M E GROUP INC.	1835 MAPLELAWN	157,500.00
Total Industrial, Completion New			157,500.00
Inst./Hosp., Add/Alter	GEOFF HUTCHINSON	44201 DEQUINDRE 1ST FL	350,000.00
Total Inst./Hosp., Add/Alter			350,000.00
Records 15			Total Valuation: 4,614,654.00

DATE: August 14, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing
Request for Commercial Vehicle Appeal
3911 Kingspoint

On June 11, 2001, follow up information was sent to Mr. Bruce Simpson that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the Chevy cube van parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Simpson has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of September 17, 2001.

A copy of the application and photo is attached for your reference.

Should you have any questions or require additional information, kindly advise.



RECEIVED

AUG 03 2001

COMMERCIAL VEHICLE APPEAL APPLICATION

BUILDING
DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below on the following residential zoned site.

NAME: Bruce Simpson

ADDRESS: 3911 Kingspoint

CITY: Troy MI. ZIP: 48063 PHONE: 248-528-0631

ADDRESS OF SITE: Same as Above

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S) 1GEHG31K3TF507035

LICENSE PLATE NUMBER(S) 3030 DT

DESCRIPTION OF VEHICLE(S) Chevy Box Van

REASON FOR APPEAL (see A - D below) A, B, C, D - Always
parked on driveway. Used daily for work purposes.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

RECEIVED

-2

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

*Photo to follow at later date. We will try to borrow a polaroid camera.

Gene Long
(signature of applicant)

STATE OF MICHIGAN

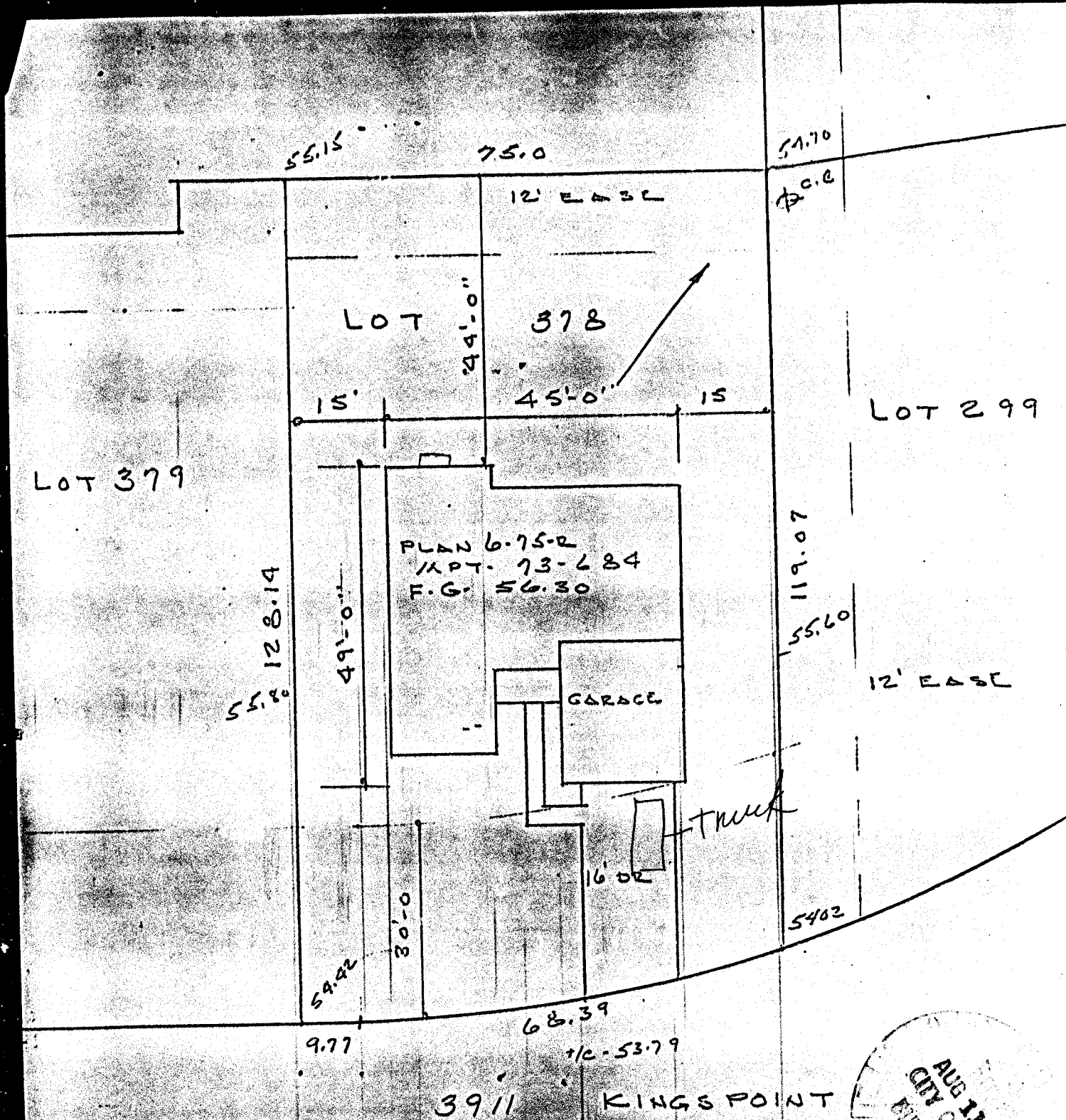
COUNTY OF Wayne

On this 1st day of August, 19 2001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Donald C. Vogler
Notary Public, Wayne, Michigan

My Commission Expires:

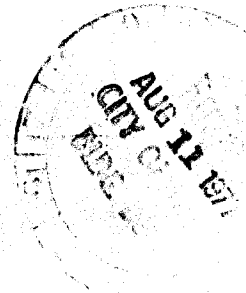
DONALD C. VOGLER
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Sep 21, 2005
ACTING IN OAKLAND COUNTY, MI



RECEIVED

AUG 06 2001

BUILDING
DEPARTMENT



CRESCENDO HOMES
PAINTREE #2
127. LOT
1" = 20'-0"

DATE: August 7, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing
Request for Commercial Vehicle Appeal
2493 E. Maple

On July 10, 2001, follow up information was sent to Mr. Francisco Poblete that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the commercial vehicles parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. These vehicles include three dump trucks, one stake truck, a Bobcat, and a concrete power buggy and trailer. He was given the option to remove the vehicles or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Poblete has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of September 10, 2001.

A copy of the application and photos are attached for your reference.

Should you have any questions or require additional information, kindly advise.

COMMERCIAL VEHICLE APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: FRANCISCO TOBLETE
ADDRESS: 2493 E. MAPLE
CITY: Troy MI. ZIP: 48063 PHONE: 248-743-1220
ADDRESS OF SITE: SAME
NUMBER OF VEHICLES: 4

VEHICLE IDENTIFICATION NUMBER(S) CCE614W138920-1G0JH1B3YJ527157
2FDKF3761JCB16809-F375UFC3564
LICENSE PLATE NUMBER(S) 79-BJ2608-2000-4488AM-7733CP-88-72603
50

DESCRIPTION OF VEHICLE(S) 3 - Dump's 1 STAKE TRUCK
1 Bob cat machine 1 Power Buggy

REASON FOR APPEAL (see A - D below) D

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

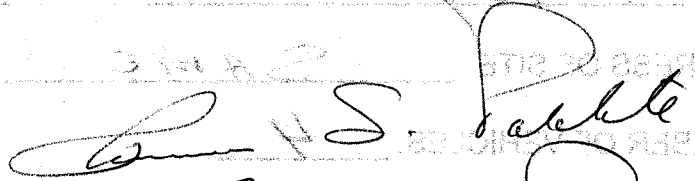
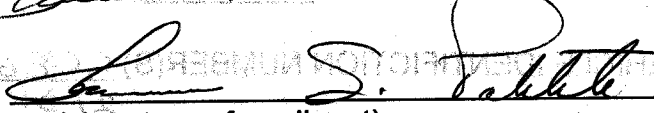
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..



(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 6th day of August, 2001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Pamela B. Pasternak Macomb acting in
Notary Public, County, Michigan Oakland
My Commission Expires: 09-01-03



Commercial Vehicle Appeal
2493 E. Maple
City Council: 09/10/01



city walk

DATE: August 14, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Garv A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing
Request for Commercial Vehicle Appeal
6704 Livernois

On April 26, 2001, follow up information was sent to Mr. Michael Brennan that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the Chevy cube van and Isuzu cube van parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicles or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Simpson has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of September 17, 2001.

A copy of the application and photo is attached for your reference.

Should you have any questions or require additional information, kindly advise.

COMMERCIAL VEHICLE
APPEAL APPLICATION

RECEIVED

JUL 26 2001

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

BUILDING
DEPARTMENT

NAME: MICHAEL J. BRENNAN

ADDRESS: 6704 LIVERNOIS RD.

CITY: TROY MI. ZIP: 48098 PHONE: 248.813.0398

ADDRESS OF SITE: 6704 LIVERNOIS RD. TROY, MI. 48098

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICTION NUMBER(S) JALB4B1KOT7001135-1996

J8BC4B1K6P7007444-1993

LICENSE PLATE NUMBER(S) 0239 HU-1996

BRENNAN 1993

DESCRIPTION OF VEHICLE(S) WHITE CHEVY-1993, WHITE ISUZU-1996

REASON FOR APPEAL (see A - D below) PLEASE SEE ATTACHED . PICTURES WILL BE PROVIDED

ON THE DAY OF THE APPEAL.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

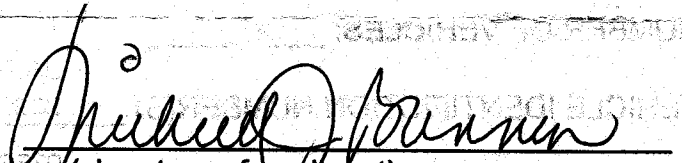
RECEIVED

-2

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

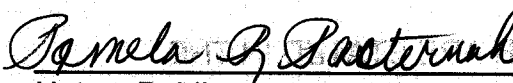
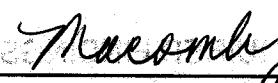
Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..


(signature of applicant)

STATE OF MICHIGAN

COUNTY OF OAKLAND

On this 18th day of MAY, 2001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

 
Notary Public, County, Michigan *acting in Oakland*

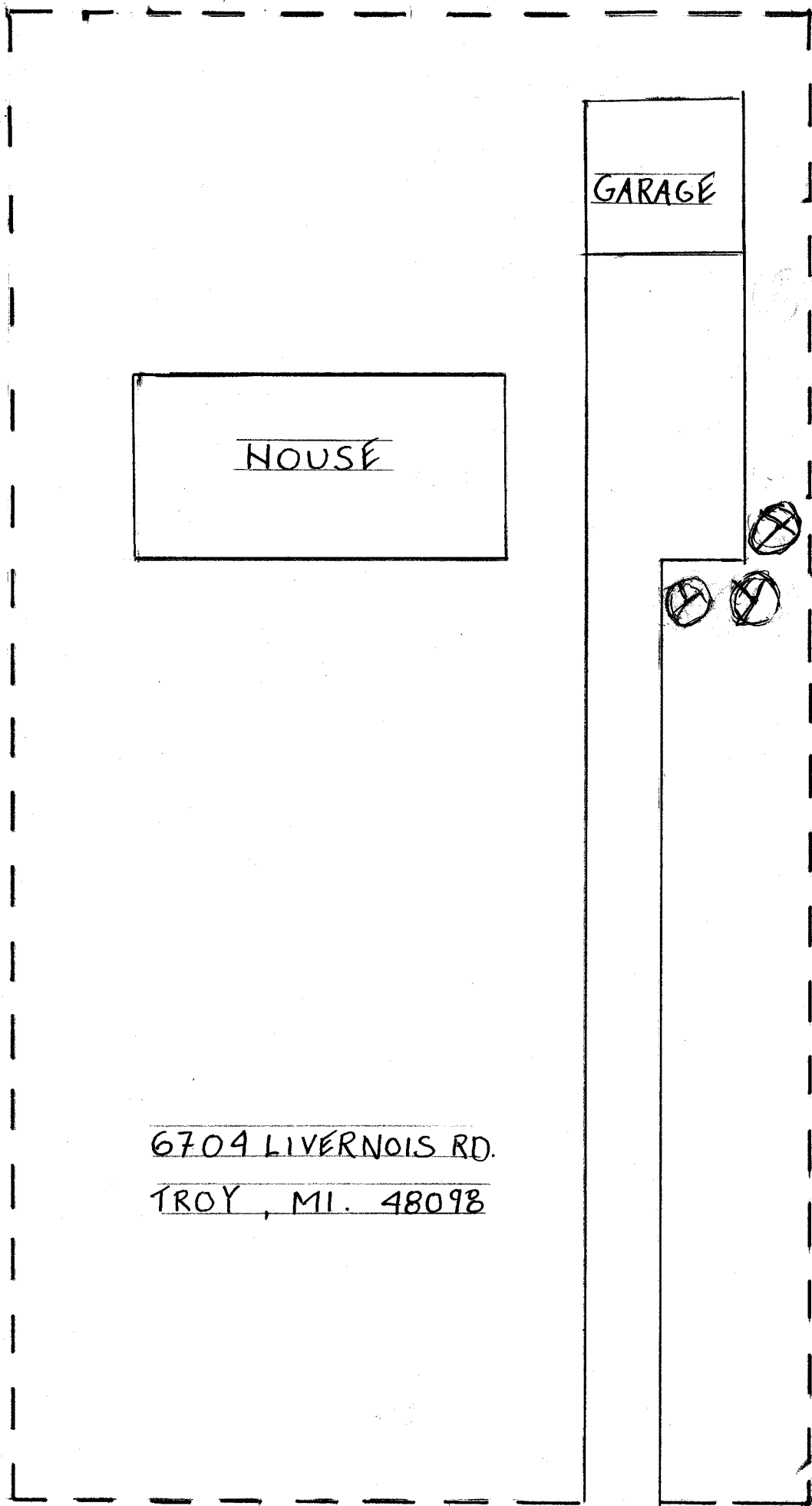
My Commission Expires: 09-01-03

Reason For Appeal

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicles. Brennan Electrical Contractors is run out of the residence at, 6704 Livernois Rd, Troy, MI. 48098. All of The materials required for electrical work (incl. Tools, job supplies, and all other applicable items) are kept in the garage of the residence. Because of this, storing the vehicles at an alternate location would pose a hardship on the business.

C. A garage or accessory building on the subject site cannot accommodate, or reasonably be constructed or modified to accommodate the subject commercial vehicle. There is currently a garage on the site. It does not, however, have the capacity to store 2 commercial vehicles. There is no additional space available to add on to the current garage and have it be functional.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street. There is currently enough paved parking for both commercial vehicles in front of the garage, which does not block any vehicular movement along the frontage street. If esthetics are an issue, there are a couple of alternatives available, such as a privacy fence, or possibly the planting of large conifers to block the view for neighbors or car travelers.



HOUSE

GARAGE

6704 LIVERNOIS RD.

TROY, MI. 48098

LIVERNOIS RD.

1" = 22.0"



Commercial Vehicle Appeal
6704 Livernois
City Council: 09/10/01



-----Original Message-----

From: Janet P Kidd
Sent: Thursday, August 09, 2001 10:53 AM
To: William R Need
Cc: Michael S Karloff
Subject:

August 9, 2001

Call from Flora Barthelmes of 554 Bridge Park. Apparently we had a main break there last night. She called to say that she and her husband watched the work off and on and were absolutely amazed at the efficient way they worked. She said they were trying to be very careful with the big equipment, and even though there is of course a mess left, it's nothing like they thought it would be. She wanted me to pass on her admiration and complements. Janet

Mary F Redden

From: John J Szerlag
Sent: Wednesday, August 08, 2001 7:00 PM
To: Cynthia A Stewart; William R Need; Timothy L Richnak; Mary F Redden
Cc: Gary A Shripka
Subject: RE: Thank you

Mary:

Please include as a Report/Communication

-----Original Message-----

From: Cynthia A Stewart
Sent: Wednesday, August 08, 2001 4:38 PM
To: William R Need; Timothy L Richnak
Cc: John J Szerlag; Gary A Shripka
Subject: FW: Thank you

-----Original Message-----

From: Kiepert, Kevin [mailto:KKiepert@kmart.com]
Sent: Wednesday, August 08, 2001 3:58 PM
To: 'stewartca@ci.troy.mi.us'
Subject: Thank you

Recently I called the Public Works department to report a section of sidewalk which had settled along Crooks Road creating a dangerous bump for bicyclists. I passed that section of sidewalk this week and was surprised to see that it had already been fixed. I am very appreciative of the responsive nature of our city government.

Thank you.

Kevin T. Kiepert
Real Estate Market Strategy
Kmart Corporation
(248) 614-0634

-----Original Message-----

From: Rochelle Black [mailto:black@oakland.edu]

Sent: Friday, August 10, 2001 12:36 PM

To: hyndrw@ci.troy.mi.us

Subject: Big Beaver Project

Mr. Hynd:

Thank you for sharing your expertise with the residents and others who attended the meeting yesterday regarding the road widening project and planned tree removal on Big Beaver between Cunningham and Kensington Roads. The proposed changes unveiled and discussed at the meeting yesterday evening represent a significant improvement over the initial recommendation. It was also great to hear that the City's landscaping plans will utilize appropriate trees, signage and other enhancements to distinguish the residential area from the business district. This is extremely important to those of us who live in this area.

As you may know, concern about the short and long term implications of this project caused a great deal of stress and uncertainty for many of us. I personally sent letters and messages to several individuals and organizations. The original plan would have made my circular drive completely non-functional and moved the roads and sidewalks precariously close to my front entryway. This was a major concern. Many of our fears were alleviated by a willingness of those involved to assess individual concerns and make appropriate adjustments and recommendations.

Your efforts are greatly appreciated.

Rochelle A. Black

Director

Government Relations

204 Wilson Hall

Rochester, MI 48309-4401

248.370.4630

248.370.3504-fax

black@oakland.edu

August 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Informational Meeting with Residents for the Reconstruction and Widening of
Big Beaver Road, Adams to Coolidge, Contract 01-8

Local business owners and residents located within the area of the Big Beaver Road, Adams to Coolidge Road reconstruction project were invited to an informational meeting on Thursday, August 9, 2001 at City Hall at 7:00 p.m. Meeting notices were sent to 296 property owners and property managers in the project area. A copy of the notice that was mailed along with a map of the notification area is included with this memo.

The meeting was well attended by residents in the project area. City staff, Bloomfield Township staff and Road Commission for Oakland County staff were in attendance to discuss the project and answer any questions. The format of the meeting was an "open house" where no formal presentation was made. Rather, construction plans and the proposed landscaping plans were presented and individual owners were able to ask and receive answers specific to their property. One of the main points discussed with most residents in attendance was the affect of construction on the existing trees and/or landscaping along Big Beaver. A story in the Oakland Press this week stated that 160 trees are to be removed to allow for the widening of Big Beaver. Until the clearing portion of the project is complete an actual number will not be known. The proposed landscaping plan incorporates the planting of approximately 210 trees in the City of Troy section of the project.

As with all construction projects, residents raised concerns about cut through traffic, speed and increased enforcement. As with previous major road projects, the Engineering Department will work with the Troy Police Department to sign the construction zone as required enabling the Police Department to effectively patrol the construction area. This has been very effective in reducing the speeds in and around the construction influence area and has resulted in safer work zones for the traveling public and the contractor.

Dan's Excavating, Inc. is the contractor for the project and is scheduled to begin work the week of August 20. The contract open to traffic date is December 15, 2001. The first phase of the project will involve work along the south side of Big Beaver while traffic is maintained along the north side. The Road Commission for Oakland County is the lead agency on this project. The RCOC is responsible for the project management during the construction phase. City of Troy staff will be actively involved assisting the RCOC as needed.

NOTICE:

**Big Beaver Tree Removal
informational meeting is Aug. 9**

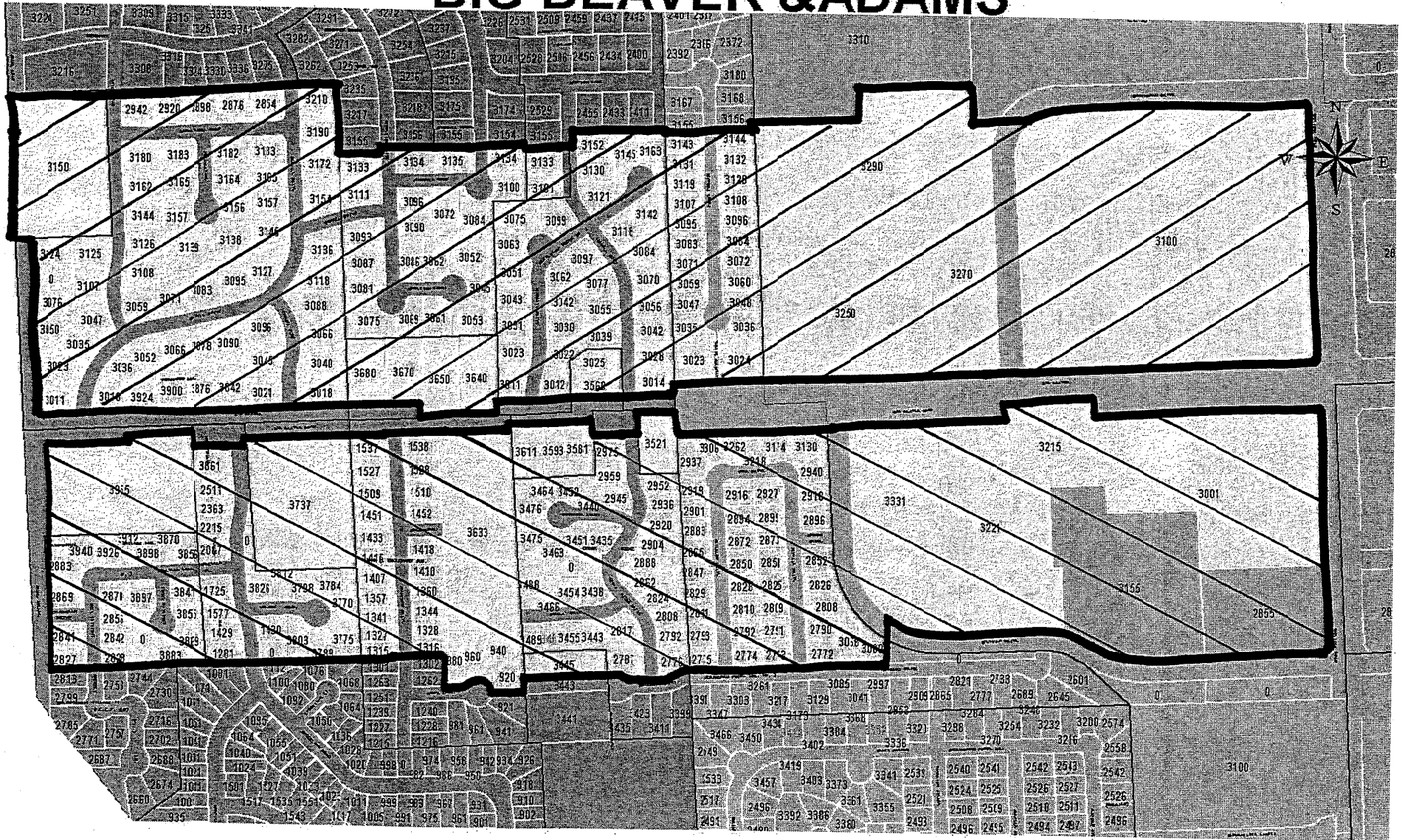
The Road Commission for Oakland County (RCOC) will conduct an informational meeting **Thursday, Aug. 9, at 7 p.m.** at Troy City Hall (500 West Big Beaver Road) to share information about the upcoming widening of Big Beaver Road between Kensington Road in Bloomfield Township and Cunningham Street in Troy and the removal of trees required by the project. You are invited to attend.

As part of the project, some trees will be removed along Big Beaver as well as along Adams Road, from 800 feet north of Big Beaver to 800 feet south of Big Beaver.

This will be a “workshop” format meeting. There will be no formal presentation. Plans will be available for review depicting which trees are to be removed, and Road Commission, City of Troy and Bloomfield Township officials will be on hand to discuss the project.

The project involves widening this section of Big Beaver from four lanes to five. Work is expected to begin on Aug. 13 and conclude in December.

BIG BEAVER & ADAMS





August 14, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY
RE: PROPOSED REVISIONS TO LIQUOR LICENSING

The Liquor Committee will be discussing proposed revisions to the City of Troy ordinances and policies concerning licensing at their October 8, 2001 meeting. At that time, the Committee will discuss options for limiting the number of transfers and/or resort licenses. Other proposed revisions may also be discussed at that meeting.

Any recommendations of the Liquor Committee will then be forwarded to City Council for review and/or implementation. If you have additional concerns that you want addressed, please inform either Police Sergeant George Zielinski or myself.

If you have any questions, please let me know.

August 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Asst. City Manager/Services
Steven J. Vandette, City Engineer

SUBJECT: Public Hearing - Monday, August 6, 2001
Public Meeting - Wednesday, August 8, 2001 for
Crooks Road Widening and Reconstruction from
Square Lake Road (Troy) to Hamlin Road (Rochester Hills)

The Road Commission for Oakland County held a Public Hearing for the Crooks Road Project on Monday, August 6, 2001 at 7:30 p.m. at the City of Rochester Hills, and a Public Meeting (a continuation of the Public Hearing) on Wednesday, August 8, 2001 from 4:00 to 7:00 p.m. at Troy City Hall. The Public Hearing is required as part of the Environmental Assessment process for the proposed widening and reconstruction of Crooks Road (including the M59/Crooks Road interchange) from Square Lake Road in Troy to Hamlin Road in the City of Rochester Hills. The proposed project is to widen the existing roadway to a four lane boulevard.

The interchange project (Crooks Road from Auburn to Hamlin) is a separate project that is progressing slowly, and it is possible that the road project from Square Lake to Auburn could be constructed concurrently with the interchange project.

This is the last phase of the development of this project. All of the questions and concerns from the hearing and meeting will be answered and they will be included in the final Environmental Assessment document and submitted to MDOT and FHWA for their review and approval.

Assuming the document is approved, it is anticipated that a Finding of No Significant Impact (FONSI) will be issued. At that time, design and right of way acquisition will proceed.

There are funds allocated in the current State Transportation Improvement Program (STIP) for design (PE), right of way acquisition (ROW) and construction (CON). The construction funds are in the 2003 STIP. Therefore, if funds were obligated (released) by FHWA the project would most likely commence in 2004.

The Monday night Public Hearing in Rochester Hills was attended by about four dozen people, including one Troy resident who left the meeting prior to the informal public contact session. The Wednesday meeting in Troy was attended by about 18 residents, about 2/3 of them Troy residents.

The Road Commission for Oakland County and City of Troy staff were at the meeting to review the proposed project with the residents and answer their questions. There was no formal presentation made on Wednesday in Troy. The proposed plans were reviewed individually with the residents and questions answered.

As with all construction projects, the owners of properties adjacent to Crooks Road were concerned about taxes and loss of value in their properties. There is an existing 10% reduction in taxes on existing properties in these subdivisions on properties that side or back to Crooks. It has been the City's experience that property values have not declined due to similar road projects. Studies of home sales in Troy have shown that there is no significant difference in sales prices between subdivision internal homes and those adjacent to major roads. However, the perception persists.

As with all public meetings, residents voiced concerns about speeding, running stop signs, and cut-through traffic. The City Traffic Engineer will conduct studies in the subdivisions and work with the residents and the Police Department to address these concerns.

Some residents expressed concerns about increased noise levels. The Road Commission is going to the homes to take meter readings of the existing noise levels and give them an estimate of what the noise levels will be when construction is complete. The design-related questions and concerns were also addressed.

In conjunction with the Road Commission for Oakland County, we will continue to keep the residents, churches and businesses informed of the progress of the project development.

CNS/In

**NOTICE OF PUBLIC MEETINGS
ROAD COMMISSION FOR OAKLAND COUNTY
FOR THE WIDENING AND RECONSTRUCTION
OF CROOKS ROAD (SQUARE LAKE ROAD TO HAMLIN)
CITIES OF ROCHESTER HILLS AND TROY**

WE WANT YOUR OPINIONS

Your Board of Road Commissioners for Oakland County in cooperation with the Cities of Rochester Hills and Troy, invites your comments on the proposed project to reconstruct and widen Crooks Road from north of Square Lake Road to north of Hamlin Road. The proposed project is to widen the existing roadway to a four-lane boulevard. We invite all interested citizens to attend either meeting and express their views on the Environmental Assessment prepared for this project in compliance with the Federal Highway Administration.

For this purpose, we have scheduled two meetings.

	PUBLIC HEARING	INFORMATIONAL MEETING
DATE:	Monday, August 6, 2001	Wednesday, August 8, 2001
TIME:	7:30 P.M.	4:00 TO 7:00 P.M.
PLACE:	Rochester Hills City Hall 1000 Rochester Hills Drive	Troy City Hall 500 W. Big Beaver Road

WHAT IS PLANNED

At the meetings, staff of the Road Commission for Oakland County (RCOC) and the Cities of Rochester Hills and Troy will be available to discuss the project and answer questions. The Environmental Assessment will be available for public review at the following locations: Rochester Hills and Troy City Offices of the Clerks and Engineering Department; the Rochester Hills Public Library, 500 Olde Town Road, Rochester, the Troy Public Library, 510 W. Big Beaver Road, and the RCOC's Permits & Environmental Concerns Department at the address listed below.

HOW YOU CAN BE INVOLVED

Your attendance at the public hearing or the informational meeting will give the best opportunity for presenting your views and gaining desired information. However, we welcome your written statements and exhibits prior to August 17, 2001. Send your comments to: Road Commission for Oakland County, Permits & Environmental Concerns Department, 2420 Pontiac Lake Road, Waterford, MI 48328. If you require accommodation in accordance with the provisions of the Americans with Disabilities Act, please provide our Environmental Concerns Department at (248) 858-4891 with five working days advance notice.

WE ARE LOOKING FORWARD TO HEARING FROM YOU.

BOARD OF ROAD COMMISSIONERS
Larry P. Crake, Chairman
Richard G. Skarritt, Vice-Chairman
Rudy Lozano, Commissioner

By: Brent O. Bair, Managing Director

August 15, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Status of Public Hearing Issue for Proposed Wetlands, and
Natural Features Ordinances

The attached staff memorandum details the current status of the proposed wetlands, and natural features ordinances. Succinctly, the Planning Commission at its August 14, 2001 meeting requested that City Council should hold public hearings on these proposed ordinances in lieu of the Planning Commission. Given this, there will be an Agenda item for your consideration at the September 10, 2001 City Council meeting which will set public hearings for October 15, 2001 and November 5, 2001. Of course, should a majority of Council not wish to set a public hearing, please advise at the August 20, 2001 Council meeting.

In addition, I'd appreciate it if you could review the proposed letters going to the two types of property owners affected by these proposed ordinances. We can then discuss possible changes to these letters at either the August 20 or September 10 Council meeting.

JS/mr\2001\To M&CC RE: Public Hearings for Wetlands & Natural Features Ordinances

August 10, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Asst. City Manager/Services
Steven J. Vandette, City Engineer

SUBJECT: Public Hearings for Wetlands and Natural Features Ordinances

State law that enables cities to enact wetland ordinances more strict than the state requires that property owners who may potentially be impacted by these ordinances be notified of any public hearings. For this purpose we have prepared letters to property owners indicating that they may be impacted and notifying them of upcoming public hearings. We anticipate that at least two public hearings will be needed to accommodate the number of people who may want to comment on the proposed Wetlands and Natural Features ordinances. Locations for public hearings will be determined following mailing of meeting notices to affected property owners and receipt of response cards from those who plan on attending. The dates for the public hearings need to be set. We anticipate that the hearings would be held at either the Community Center or in the Council Chambers. Announcement of the times and locations for the public hearings will be done in the Troy Eccentric, posted in City Hall and on the city's web site, as is the normal procedure for advertisement of public hearings.

With input from staff and the Planning Commission, the Natural Features Map (including wetlands) has been reviewed, refined and revised for completeness since it was first received from our consultants in June. Drains and streams not visible on the aerial maps were added based on the latest County Drain maps and staff's knowledge of natural features throughout the city. Some fieldwork was necessary to verify these additions. Also, different color schemes have been used and an overlay pattern added that allows the presence of other features such as wetlands and drains within woodland areas to be seen more clearly. With these revisions the Natural Features Map is now complete, but despite these efforts to make it as readable, complete and accurate as possible, it cannot be used as the primary means to legally enforce the proposed ordinances. The map is simply a reference tool to provide an overview of potential wetlands and other natural features within the City. For Troy it is the starting point. If these ordinances are enacted, the map will be updated continuously as new information and field work provide the impetus for map revisions.

The Honorable Mayor and City Council
August 10, 2001
Page 2 of 2

The first actual use of the map was to identify all properties that may contain natural features. This was necessary so as to individually notify the owners that the proposed ordinances may impact their property and that public hearings will be held to receive their comments. The rest of the community will be notified of the public hearings through the normal meeting notice process.

Attached are two letters that have been prepared for notifying property owners of the public hearings. One letter is directed to owners of vacant, undeveloped and non-platted property that would likely be affected by the proposed ordinances. We have determined that according to the map there are 249 vacant, undeveloped and non-platted parcels or 7% (631 acres) of the total 3,571 parcels with natural features. The letter to these 249 property owners clearly states that their property will likely be affected.

The second letter is directed to all other developed or undeveloped platted properties and developed, non-platted properties. Since the properties in this category may or may not be affected by the ordinance (platted property, such as within a single family subdivision, is exempt from the proposed ordinances unless proposed for development other than as originally platted) the letter indicates that the property may be affected by the proposed ordinances. Both letters are will be sent with an attached, postage paid response card for property owners to indicate whether they plan to attend the public hearing, which hearing and how many persons plan on attending. The mailing of the notices and availability of the Natural Features Map in the Engineering Department can begin as early as Tuesday, August 14, 2001, provided public hearing dates and times are set.

Dear Property Owner,

This letter is to inform you that your property may be affected by the proposed City of Troy Wetlands and Natural Features ordinances.

City Council directed staff to draft these ordinances to protect certain natural features such as woodlands and watercourses and to protect wetlands between two and five acres in size. These smaller wetlands, less than five acres, are currently not regulated by the state except where they are close to a lake or stream.

As part of the proposed ordinances, a map showing the approximate locations of wetlands and natural features was prepared to assist city staff, developers and property owners in locating areas that may contain wetlands and/or other natural features. This map was used along with aerial and lot base maps to determine that your developed property (platted or non-platted) or your undeveloped and platted property may be affected by the proposed ordinances. **If your property is a platted lot, such as within a single family subdivision, the proposed ordinances would not affect your property.** The proposed ordinances do not apply to lots platted prior to the adoption of the ordinances.

Two public hearings to receive comments on these ordinances are scheduled before the City Council on XXX, and XXX, 2001. As a property owner whose property may be affected, you are encouraged to participate and voice your comments or concerns regarding these new ordinances.

A copy of the proposed Wetlands and Natural Features ordinances and answers to frequently asked questions may be obtained in the Engineering Department or viewed on line at the City of Troy, Engineering Department's web site www.ci.troy.mi.us/engineering.

Should you have any questions concerning these ordinances, please feel free to contact Tracy Slintak, Environmental Specialist; Neall Schroeder, Civil Engineer; or Mike Bastien, Engineering Assistant with the Troy Engineering Department at 248-524-3383.

Sincerely,

Steven J. Vandette, P.E.
City Engineer

Dear Property Owner,

This letter is to inform you that your property will likely be affected by the proposed City of Troy Wetlands and Natural Features ordinances.

City Council directed staff to draft these ordinances to protect certain natural features such as woodlands and watercourses and to protect wetlands between two and five acres in size. These smaller wetlands, less than five acres, are currently not regulated by the state except where they are close to a lake or stream.

As part of the proposed ordinances, a map showing approximate locations of wetlands and natural features has been prepared to assist city staff, developers and property owners in locating areas that may contain wetlands and/or other natural features. This map was used along with aerial and lot base maps to determine that your property is undeveloped, non-platted and will likely be affected by these ordinances.

Two public hearings to receive comments on these ordinances are scheduled before the City Council on XXX, and XXX, 2001. As a property owner whose property may be affected, you are encouraged to participate and voice your comments or concerns regarding these new ordinances.

A copy of the proposed Wetlands and Natural Features ordinances and answers to frequently asked questions may be obtained in the Engineering Department or viewed on line at the City of Troy, Engineering Department's web site www.ci.troy.mi.us/engineering.

Should you have any questions concerning these ordinances, please feel to contact Tracy Slintak, Environmental Specialist; Neall Schroeder, Civil Engineer; or Mike Bastien, Engineering Assistant with the Troy Engineering Department at 248-524-3383.

Sincerely,

Steven J. Vandette, P.E.
City Engineer

CITY OF TROY
ENGINEERING DEPT
500 W BIG BEAVER
TROY MI 48084



OWNER OF PROPERTY AT (1857 W SOUTH
BOULEVARD)
6798 JASMINE
TROY MI 48098



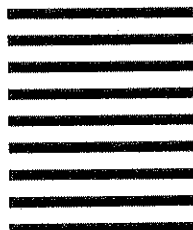
BUSINESS REPLY MAIL

FIRST CLASS MAIL PERMIT NO. 2 TROY, MICHIGAN

POSTAGE WILL BE PAID BY ADDRESSEE

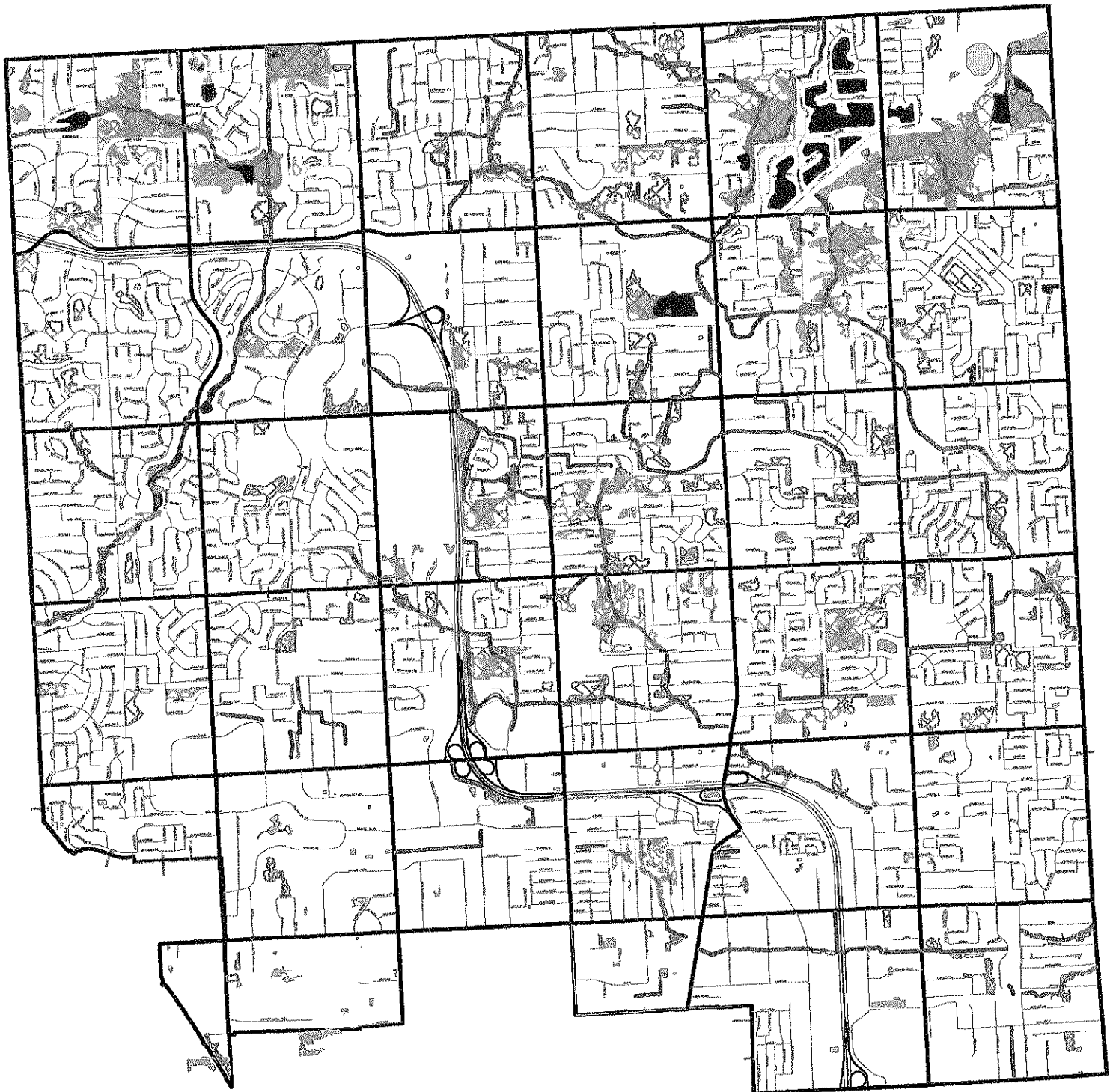
CITY OF TROY
500 WEST BIG BEAVER ROAD
TROY MI 48084-9884

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES





CITY OF TROY NATURAL FEATURES



The natural features map does not create any legally enforceable presumptions regarding whether property that is or is not included on the map has or does not have natural features present.

FEATURES



Woodlands



Streams



Ponds



Lakes



Drains



Wetlands